

ROCHESTER CITY COUNCIL

REGULAR MEETING

APRIL 14, 2009

Present - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

DES

*Kim Clickner
Gary M. Giudice
*Pauline Lute

FIN

*Norma Hoch

RPD

*Karen L. Coriddi
*Edward A. Giblin
*Timothy R. Mull
*Carmen J. Pellegrino

**Not attending meeting.*

APPROVAL OF THE MINUTES

By Councilmember Miller

RESOLVED, that the minutes of the Regular Meeting of March 18, 2009 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 3956-09

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Quarterly Report

Professional services agreements 3957-09

THE COUNCIL PRESIDENT --- PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Authorizing An Application And Agreement For A Grant Under The Restore NY Communities Initiative Program
Int. No. 133 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To
The South Avenue/Alexander Street Open Space District And Authorizing An Agreement Int. No. 138
No speakers

Authorizing An Amendatory 2008-09 Community Development Program Plan And Authorizing
Agreements And Appropriating Funds For The American Recovery And Reinvestment Act Of 2009
Int. No. 145 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting
Special Assessment Districts Int. No. 119 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special
Assessment Districts For Streetscape Enhancements Int. No. 120 No speakers.

Continuation Of Local Improvement Ordinance No. 1422 Relating To The Norton Street Urban Renewal
District Street Lighting District Int. No. 121 No speakers.

Approving An Increase In The Pavement Width Of Colebourne Road Int. No. 122 No speakers.

Approving The Culver Road Improvement Project And Changes In Pavement Width Of Culver Road
Int. No. 123 No speakers.

Approving Changes In The Pavement Width Of Mt. Hope Avenue And South Clinton Avenue Int.
No. 137 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls
Business Improvement District Int. No. 126 No speakers

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Conklin
April 14, 2009

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

April 14, 2009

Int. No. 103 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Management Training

Int. No. 104 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For City Employee Training

Int. No. 105 - Appointment Of A Marriage Officer

Int. No. 142 - Authorizing The Acquisition Of Additions To The Street Lighting System Of The City And Amending The 2008-09 Budget, As Amended

Int. No. 142A - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$170,000 Bonds Of Said City To Finance The Cost Of The Acquisition Of Additions To The Street Lighting System Of The City

Int. No. 143 - Authorizing An Agreement For Payment Of Outstanding Street Lighting Costs

Int. No. 147 - Authorizing The Lease Of Space In The Port Terminal Building, As Amended

Respectfully submitted,

Carolee A. Conklin

Carla M. Palumbo *(Did not vote on Intro. No. 103 thru Int. No. 105)*

Lovely A. Warren

Gladys Santiago

FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-92

Re: Amendatory Agreement - Rochester
Business Alliance, Leadership
Academy/Management Development

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Business Alliance for continued support of the City's Leadership Academy and related professional development programs. This amendment will increase total maximum compensation by \$33,850, and extend the term through June 30, 2010. The additional cost will be funded from the Undistributed allocation of the 2008-09 Budget.

The original agreement, authorized in April 2007, established maximum compensation for agreements with RBA (\$32,000) and with the Rochester City School District (\$16,400) for these same services. The agreement with RCSD was subsequently transferred to RBA, bringing total maximum compensation to RBA for the Academy and management development support services to \$82,250 for the period May 2007 through June 2010.

To date, more than 100 City management staff have participated in the Leadership Academy. The additional funds requested herein are sufficient to support another four to six cohorts of the Academy (approximately 100-120 individuals).

Respectfully submitted,

Robert J. Duffy

Mayor

April 14, 2009

Attachment No. AI-33

Ordinance No. 2009-92
(Int. No. 103)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For Management Training

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$33,850, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and the Rochester Business Alliance for support of the City's Leadership Academy and related professional development support programs for City staff through June 30, 2010. Said amount shall be funded from the 2008-09 Budget for Undistributed Expense. The agreement may contain an option for an additional year.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-93
Re: Amendatory Agreement - BOCES,
Workforce Education Programs

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Monroe #2-Orleans BOCES, Center for Workforce Development for continued development and delivery of workforce education programs offered to City employees. This amendment will increase maximum compensation by \$7,500, and extend the term of the agreement through June 30, 2010, with an option for a one-year renewal.

The original agreement, authorized in May 2007, established \$40,000 as maximum compensation for the Rochester City School District to provide these services. An amendment authorized in August 2007 transferred the agreement to Monroe #2-Orleans BOCES. The agreement was further amended in April 2008 to increase maximum compensation by \$7,500. The additional funds requested herein will bring total maximum compensation to \$55,000 for the period June 2007 through June 2010. The cost of the current amendment will be funded from the 2008-09 Budget of the Bureau of Human Resources Management.

The original appropriation supported the City's 2007 conversion to Microsoft Office 2007. The high level of professionalism brought to that effort has led to a strong public partnership with Monroe #2 BOCES in the development and delivery of a number of workforce education programs including business writing, civil service test taking strategies, the ongoing migration to Microsoft Outlook, and other opportunities as identified through the City's Employee Development Program.

Respectfully submitted,
Robert J. Duffy,
Mayor

Attachment No. AI-34

Ordinance No. 2009-93
(Int. No. 104)

April 14, 2009
Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For City Employee Training

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$7,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with the Monroe #2-Orleans BOCES, Center for Workforce Development, for training for City employees through June 30, 2010. Said amount shall be funded from the 2008-09 Budget of the Bureau of Human Resource Management. The agreement may contain an option for an additional year.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - Councilmember Lightfoot - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-94
Re: Marriage Officer

Transmitted herewith for your approval is legislation appointing Hazel L. Washington, the Deputy City Clerk, as a Marriage Officer. She will replace Sharon C. Conheady, the former Deputy Clerk, who retired in November 2008.

The Domestic Relations Law § II-c authorizes the governing body of any village, town or city to appoint one or more Marriage Officers, for a term of up to four years, to have the authority to solemnize a marriage. A fee of \$40.00 is charged for providing such a service; said fee becomes part of the revenue to the City Clerk's licensing account.

As you will recall, the position of Marriage Officer was first created in September 1995. The City Clerk and Deputy City Clerk have been appointed to serve as Marriage Officers since that time. Most recently, in January 2008, City Clerk Daniel B. Karin was reappointed as Marriage Officer through January 15, 2012.

The proposed legislation will add Ms. Washington so that we can continue to have two Marriage Officers available to serve the public. Her term will also expire on January 15, 2012. There are no changes in the duties of the position or the fees charged.

Respectfully submitted,
Gladys Santiago
President

Carolee A. Conklin
Chair, Finance Committee

Ordinance No. 2009-94
(Int. No. 105)

Appointment Of A Marriage Officer

BE IT ORDAINED, by the Council of the City of Rochester as follows:

April 14, 2009

Section 1. Pursuant to Section 5-10 of the Municipal Code, the Council hereby appoints Deputy City Clerk Hazel L. Washington as a Marriage Officer, as long as she serves in the position of Deputy City Clerk, for a term that shall expire January 15, 2012.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-95 and
Ordinance No. 2009-96

Re: Funding for Purchase of Street
Lighting System

Transmitted herewith for your approval is legislation authorizing the issuance of bonds in the amount of \$170,000 and the appropriation thereof to partially fund the purchase from the Rochester Gas & Electric Corporation of the remaining RG&E-owned street lighting system within the City.

Companion legislation (Introductory No. 142) regarding the terms and remaining financing submitted for your consideration will require an amendment to correct the amount inadvertently included as Cash Capital.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-95
(Int. No. 142, As Amended)

Authorizing The Acquisition Of Additions To The Street Lighting
System Of The City And Amending The 2008-09 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition from the Rochester Gas & Electric Corporation of additions to the street lighting system of the City for an amount not to exceed \$7,300,000. Of said amount, or so much thereof as may be necessary, \$[5,975,000] 5,805,000 shall be funded from the 2008-09 Cash Capital allocation, \$200,000 shall be funded from the 2008-09 Budget of the Department of Environmental Services, \$1,000,000 shall be funded from the 2007-08 Budget for Undistributed Expense and \$125,000 shall be funded from the 2007-08 Budget of the Department of Environmental Services, and \$170,000 shall be funded from a bond ordinance adopted for this purpose.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$972,000 from the Contingency Account to the Cash Capital allocation to fund the acquisition authorized herein.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2009-96

April 14, 2009

(Int. No. 142A)

Bond Ordinance Of The City Of Rochester, New York, Authorizing
The Issuance Of \$170,000 Bonds Of Said City To Finance The Cost
Of The Acquisition Of Additions To The Street Lighting System Of
The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the acquisition of additions to the street lighting system of the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$7,300,000. The plan of financing includes the issuance of \$170,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$7,130,000 in current City funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$170,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$170,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.5 of the Local Finance Law, is thirty (30) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-97
Re: Agreement - Rochester Gas &
Electric Corporation, Purchase
Of Street Lighting System

Transmitted herewith for your approval is legislation related to the acquisition, from the Rochester Gas & Electric Corporation (RG&E), of the remaining RG&E-owned street lighting system within the City of Rochester. This legislation will:

1. Authorize an agreement with RG&E for the acquisition of remaining portions of the City Street Lighting System currently owned by RG&E, for an amount not to exceed \$7.3 million;
2. Amend the 2008-09 Budget by transferring \$972,000 from Contingency to Cash Capital to fund a portion of the purchase of the street lighting system;
3. Authorize an additional agreement with RG&E for payment of outstanding invoice balances, and appropriate \$3.5 million dollars from the City's insurance reserve fund to cover this cost.

Purchase of the street lighting system. Beginning in 1948 with the purchase of four miles of lighting on Andrews Street, the City has progressively increased its ownership of the lighting system. As of March 2009, of a total of 27,665 street lights in the City, RG&E owns 11,669, and the City owns 15,996.

The purchase price for the remaining system components will be for an amount not to exceed \$7.3 million. This price is the result of the negotiation of both the book value of the lighting assets, which is estimated to be \$6.1 million, and a return on investment of \$1.2 million.

2008-09 Cash Capital	\$5,975,000 (including the transfer referred to above)
2007-08 Budget of DES	125,000
2007-08 Undistributed	1,000,000
2008-09 Budget of DES	<u>200,000</u>
Total	\$7,300,000

Outstanding invoice balance. The City has maintained an arrangement with RG&E regarding the costs of maintenance, operation, and energy delivery for the system. Several factors have contributed to the

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accumulation of outstanding invoices, which both parties have agreed to settle for \$3.5 million. This amount will be paid from the City's insurance reserve fund in the amount of \$437,500 annually for eight years with no interest charges to the City. This negotiated resolution is an integral component of the lighting system sale from RG&E.

There are several benefits the City will realize with full ownership of the system at this time, including:

- The City's costs for operation and maintenance will produce savings of approximately \$475,000 annually;
- Avoiding the annual cost of approximately \$345,000 that would result from RG&E's proposed rate increase;
- Response times to lighting outages will decrease;
- Customer service will become more efficient with citizens' ability to use the 311 call center;
- The City will be able to convert the existing mercury vapor fixtures to high-pressure sodium fixtures, without the additional capital expenses of pole and conduit replacement currently required by RG&E, which will result in additional annual savings of approximately \$100,000 in energy costs, as well as improved lighting levels;
- Acceleration of the original planned acquisition as outlined in the 2009-13 Capital Improvement Plan will reduce the City's capital investment in the lighting system by \$6 million.

It is anticipated that the transfer will commence in May 2009, with completion within three to six months.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-97
(Int. No. 143)

Authorizing An Agreement For Payment Of Outstanding Street
Lighting Costs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Gas & Electric Corporation for the payment of outstanding street lighting costs in an amount not to exceed \$3,500,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Insurance Reserve Fund. The agreement shall allow the City to pay the amount in equal installments for a term of eight years, without interest.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

April 14, 2009

Ordinance No. 2009-98
Re: Lease Agreement - Customs Border
Protection, Port Terminal Building

Transmitted herewith for your approval is legislation authorizing a lease agreement with the US Customs and Border Protection (CBP) Air and Marine Branch to lease 2,500 square feet of office space at the Port Terminal Building, and approximately 1,000 square feet of storage space.

The federal government recently established 11 Air and Marine branches of CBP for the Great Lakes area and has chosen the Port of Rochester as one location. This branch will employ eight marine agents and several interceptor boats.

The space originally incorporated into the Port Terminal Building for CBP use includes a total of approximately 13,000 square feet. Since this space was designed to post 9/11 specifications, the 2,500 square foot area included in the lease agreement can be used by the Air and Marine branch as built. The remaining space may be used for CBP expanded operations in the future; CBP may also need to lease docking slips for their vessels. Both of these uses would increase the total cost of the lease.

The City will provide utilities, common area maintenance, eight parking spaces, and janitor services and supplies.

Lease rates of \$17 per square foot for office space and \$7 per square foot for garage space were determined by an independent appraisal from Kevin Bruckner, MAI of Bruckner, Tillett, Rossi, Cahill and Associates in March 2009. That amount includes gross rent, utilities, and janitorial services. In addition, CBP will pay \$272 per month to cover the costs of water, refuse collection, snow removal, common area maintenance, and eight parking spaces. The total monthly lease amount will be \$4,397.

This agreement will have an initial term of 18 months beginning May 1, 2009, with an option for one eighteen-month renewal.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-35

Ordinance No. 2009-98
(Int. No. 147, As Amended)

Authorizing The Lease Of Space In The Port Terminal Building

WHEREAS, the City of Rochester has received a proposal for the lease of space in the Port Terminal Building to the United States Customs and Border Protection Air and Marine Branch for a term of eighteen months, with an option to renew for an additional eighteen month term; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the term of the lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease; and

WHEREAS, the Council has formally reviewed the appraisal of the independent consultant on the value of the lease; and

WHEREAS, the Council affirmatively finds that the proposed lease is in the public interest, as the public benefit to be derived from the lease is the provision of customs and border protection services at the Port of Rochester;

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NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Customs and Border Protection Air and Marine Branch for the lease of approximately 2,500 square feet of office space and 1,000 square feet of storage space in the Port Terminal Building. The leased office space shall be located in the approximately 13,000 square feet of the building constructed for such use. The agreement shall extend for a term of eighteen months, with an option to renew for an additional eighteen month term.

Section 2. The lease agreement shall obligate the lessee to pay annual gross rent to the City in the amount of \$[52,764] 49,500, which amount shall include payment for janitorial services and supplies, common area maintenance, utilities, water, refuse collection, snow removal, and eight parking spaces.

Section 3. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Warren
April 14, 2009

To the Council:

The Neighborhood & Community Development Committee recommends for Adoption the following entitled legislation:

Int. No. 106 - Authorizing The Sale Of Real Estate

Int. No. 107 - Authorizing The Sale Of 103-111 Addison Street

Int. No. 108 - Authorizing Agreements And Appropriating Funds For The Lead Hazard Reduction Demonstration Grant Program

Int. No. 109 - Authorizing Agreements For Lead Hazard Evaluation Services

Int. No. 111 - Authorizing A Loan Agreement For The Northwest Apartment Project

Int. No. 112 - Authorizing The Sale Of Real Estate For The Northwest Apartment Project

Int. No. 113 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Northwest Apartment Project

Int. No. 114 - Authorizing An Agreement For The Aging In Place Home Modification Program

Int. No. 115 - Designating An Area To Be Known As The Bull's Head Urban Renewal District

Int. No. 146 - Amending The 2008-09 Budget For The Demolition Program

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The Neighborhood & Community Development Committee recommends for Consideration the following entitled legislation:

Int. No. 133 - Authorizing An Application And Agreement For A Grant Under The Restore NY Communities Initiative Program

Int. No. 138 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Street Open Space District And Authorizing An Agreement

The following entitled legislation is being Held in committee:

Int. No. 110 - Appropriating Funds And Authorizing Agreements For The Focused Investment Strategy Exterior And Security Rehabilitation Program

Int. No. 145 - Authorizing An Amendatory 2008-09 Community Development Program Plan And Authorizing Agreements And Appropriating Funds For The American Recovery And Reinvestment Act Of 2009

Respectfully submitted,

Lovely A. Warren

Carolee A. Conklin

Carla M. Palumbo

Gladys Santiago

NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-99

Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of five properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is being sold at appraised value. The purchaser is planning to rehabilitate the structure and market the renovated property to owner-occupants.

The next property is a vacant buildable lot and is being sold to the adjoining owner. The buyer plans to combine the lot with their adjoining property.

The last three properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The purchasers will combine the parcel with their adjoining properties.

The first year projected tax revenue for these five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,180.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

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Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-36

Ordinance No. 2009-99
(Int. No. 106)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale of the following parcel of improved property:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Price</u>	<u>Purchaser</u>
234 Collingwood Dr	091.31-1-57	43x145	\$5,000	*NCS Community Development Corp.

*Principals: Frank Cornier, President; Frances Visconte, Chair-Board of Directors; Karyn Herman, Treasurer; Joel Kunkler, Secretary

Section 2. The Council hereby approves the negotiated sale of the following parcel of vacant land with proposal:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Price</u>	<u>Purchaser</u>
842 North St	106.41-3-73	40x103	\$50	Juana M. Valentin

Section 3. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
229 Kilmar St	091.49-1-24	23x107	2,461	Svetlana Gonzalez
996 Joseph Ave	091.71-3-50	32x121	3,872	*Grace Unity Fellowship Church
589 Seneca Pkwy	Pt. of 090.57-2-79	6x80	480	Lewis LoQuasto

*Principals: Rev. Roosevelt Dixon; Trustees - Raymond Jones, Roosevelt Cure, Dorothy Hall, Frank McCollough, Joyce McCollough, John Johnson

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

April 14, 2009

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-100
Re: Sale of Real Estate - 103 and
111 Addison Street

Transmitted herewith for your approval is legislation authorizing the sale of two City-owned vacant lots located at 103 and 111 Addison Street to Shane Stevens. The area to be conveyed is approximately 0.30 acres. The sale price of \$6,527 was determined by an independent appraisal prepared by Bruckner, Tillett, Rossi, Cahill & Associates.

Shane Stevens owns and operates a home remodeling and real estate investment business which is currently located in the Town of Greece. Given the growth of his ten-year operation, Mr. Stevens will construct a larger facility on this more centrally-located site. Construction of a 3,200 square-foot, one-story contractor's storage building is anticipated to start in Spring 2009 and be operational by Fall 2009. Total project cost, including construction of the new facility and purchase of the land, is estimated at \$70,000. Mr. Stevens is the only employee of his business, although he frequently employs sub-contractors on most projects.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed sale will not result in any significant effects. A negative declaration has been issued.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-37

Ordinance No. 2009-100
(Int. No. 107)

Authorizing The Sale Of 103-111 Addison Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of 103-111 Addison Street SBL#104.600-1-35.1 & 36, to Shane Stevens for the sum of \$6,527.

Section 2. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the date of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-101
Re: 2008 Lead Hazard Reduction
Demonstration Grant Program

April 14, 2009

Transmitted herewith for your approval is legislation related to the City's 2008 Lead Hazard Reduction Demonstration Grant Program. This legislation will:

1. Appropriate \$3,999,700 from the U.S. Department of Housing and Urban Development to fund the program;
2. Establish \$88,576 as maximum compensation for an agreement with The Housing Council in the Monroe County Area to provide application intake services; and
3. Establish \$50,000 as maximum compensation for an agreement with Action for a Better Community to provide application intake services.

The submission of the funding application for this program was approved by Council in July 2008. The award will allow the City to continue the operation of the Lead Hazard Control Grant Program by offering financial assistance to eligible owners of 1-4 unit privately-held housing. Up to \$18,000 per unit will be made available to correct lead-based paint hazards. Typical work activities will include: window/door replacement; porch repair/replacement; siding; minor rehabilitation work; and bare soil treatment. The City will continue to work with its broad base of EPA-certified Lead Abatement contractors to carry out these efforts.

The program will serve 200 rental property owners and 50 owner-occupants. Owner-occupants must earn income at or below 80% AMI and must have a child occupant under age 6. Owners will be required to sign a 5-year agreement with the City to ensure residency and long-term lead-safety. Rental property owners will be required to produce a 10% funding match. They will also be required to sign a 5-year agreement with the City to ensure affordable rents (per HUD guideline) and that assisted units are offered to tenants with income at or below 50% AMI. All recipients of funding will be required to complete a one-day lead safe work practices training course at the City's cost.

The program concentrates on assisting rental units because the prevalence of child lead poisoning is greatest in these properties. Outreach and marketing efforts will be aimed at neighborhoods where the abundance of "at-risk" rental properties are found. Partnerships with The Housing Council, Action for a Better Community, neighborhood groups and associations, the Monroe County Department of Public Health, and the medical community will raise awareness of the program.

A Request for Proposal (RFP) was issued for application intake services. Proposals were received from Neighborworks Rochester, Action for a Better Community (ABC), and The Housing Council. The Housing Council and ABC have been selected.

The Housing Council has worked with the City since 2004 to provide landlord services for the Lead Hazard Control Program and has consistently performed above expectation. They will be responsible for hosting presentations, meeting with landlord groups/associations, responding to requests for service through their well-established hot-line, and will have applications and program information available through their website. Funding will be provided to support staffing for 1.5 full-time equivalents.

ABC is recommended based on its role as the City's Lead Resource Center. The Center was established with funding made available from the Greater Rochester Health Foundation (GRHF) in 2007. GRHF also provided funds at the same time for the City's Lead-Safe Homes Program (a targeted lead hazard control program operating in 14621). Through ABC's agreement with the GRHF, they provide application intake services for the City's Lead-Safe Homes Program, which has worked very effectively. Funding will be provided to support one full-time position.

This is the fifth funding award received from HUD; since 2004, 706 units of lead safe housing have been produced. This new funding award will allow for a minimum production of an additional 250 units by December 2011.

Respectfully submitted,
Robert J. Duffy

April 14, 2009

Mayor

Ordinance No. 2009-101
(Int. No. 108)

Authorizing Agreements And Appropriating Funds For The Lead
Hazard Reduction Demonstration Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from funds to be received under an agreement with the United States Department of Housing and Urban Development for funding for the 2008 Lead Hazard Reduction Demonstration Grant Program the sum of \$3,999,700, or so much as may be received, to fund the Lead Hazard Reduction Demonstration Grant Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for services for the Lead Hazard Reduction Demonstration Grant Program.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$88,576, and said amount, or so much thereof as may be necessary, shall be funded from the appropriations made in Section 1.

Section 4. The Mayor is hereby authorized to enter into an agreement with Action for a Better Community, Inc. for services for the Lead Hazard Reduction Demonstration Grant Program.

Section 5. The agreement shall obligate the City to pay an amount not to exceed \$50,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriations made in Section 1.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-102
Re: Neighborhood Initiative Grant
Program for Lead Hazard Control

Transmitted herewith for your approval is legislation authorizing agreements with the following firms to provide services in support of the City's Lead Hazard Control Program utilizing funding from the HUD Neighborhood Initiative Program (NIP):

Environmental Testing and Consulting
53 Ellicott Ave.
Batavia, NY 14020

Proway Management
1164 N Clinton Ave.
Rochester, NY 14621

Lew Corporation

April 14, 2009

1090 Bristol Rd.
Mountainside, NJ 07092 (local office in Honeoye Falls)

Envoy Environmental
57 Ambrose St.
Rochester, NY 14608

Funding for NIP was appropriated in November 2008. The program was authorized to undertake approximately 300 lead-based paint inspections over a three-year period. A Request for Proposal was distributed to 25 local EPA-approved lead hazard evaluation firms to obtain proposals. Four firms submitted proposals.

These four firms will offer combined lead-based paint inspections/risk assessments to property owners enrolled in the City's Lead Hazard Control Program. It is estimated that 300 inspections will be required. Three of these consultants have provided these services for the City since 2004 and all have performed to the City's satisfaction. It is anticipated that each consultant will complete approximately 100 inspections, at an average cost of \$500 per inspection.

The total cost of these agreements will not exceed \$152,880 and will be funded from funds appropriated for NIP in November 2008 (Ordinance 2008-381). The average cost for an inspection will be \$500.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-102
(Int. No. 109)

Authorizing Agreements For Lead Hazard Evaluation Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following for lead hazard evaluation services for the Lead Hazard Control Grant Program:

Environmental Testing & Consulting, Inc.
Envoy Environmental Consultants, Inc.
Lew Corporation
Proway Management

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$152,880, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Ordinance No. 2008-381.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-103, Ordinance No. 2009-104
And Ordinance No. 2009-105

April 14, 2009

Re: Northwest Apartments

Transmitted herewith for your approval is legislation related to the Northwest Apartment project being undertaken by Providence Housing Development Corporation and NCS Community Development Corporation. The project involves the construction of 22 single-family homes and the rehabilitation of a single-family structure within the Edgerton neighborhood. This legislation will:

1. Authorize a loan agreement with Providence Housing Development Corporation, or its subsidiary, for the Northwest Apartments, LP and/or Housing Development Fund Company. The loan of \$175,000 will be for a 30-year term with interest at the applicable federal rate and annual interest payments of 1%;
2. Appropriate a total of \$175,000 from the Rental Housing Fund of 2008-09 HOME Program to fund the loan;
3. Authorize the sale of 20 vacant lots and one house at their appraised value to Providence Housing or its subsidiary for the Northwest Apartments, LP and/or Housing Development Fund Company to be formed by Providence;
4. Authorize property tax exemptions and payment in-lieu-of taxes (PILOT) agreement with Providence Housing and/or a HFDC to be formed by Providence; and
5. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements.

Twenty-two rental units will be built on scattered sites within the portion of the Edgerton neighborhood bordered by Driving Park on the north, Dewey Avenue on the west, Lake Avenue on the east and Locust Street on the south. The project also includes the rehabilitation of an existing single-family house. A property list and map are attached.

Providence Housing has received Low Income Housing Tax Credits for this project. All units will be affordable to families at 50% or less of the median family income. Five units of project-based Section 8 assistance have been awarded by the Rochester Housing Authority. Three of the units are reserved for persons with HIV AIDS, or mental or physical disabilities. At the end of the 15-year tax credit compliance period, the single-family homes will be offered to the tenants for purchase.

The units in this project will house larger families, and will include: two five-bedroom, 11 four-bedroom, nine three-bedroom, and one two-bedroom units. Two of the three-bedroom units will be fully accessible ranch style houses and one four-bedroom unit will be fully accessible. All are visitable.

The budget for the project is as follows:

Costs:

Property acquisition	\$ 16,000
Soft Costs	520,966
Construction	3,934,550
Construction contingency	209,763
Developer fee	514,391
Reserves	73,000
Working capital	<u>35,000</u>
Total	\$5,303,670

Sources:

Equity	\$4,212,259
FHLB	345,000
Developer equity	154,317
MLK Grant	10,000

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City HOME	175,000
Mortgage loan	<u>407,094</u>
Total	\$5,303,670

The City loan will be used to partially fund construction. The PILOT agreement will provide a 30-year tax exemption in consideration for an annual in-lieu tax payment equal to 10% of the project shelter rents (gross rents less utility costs).

The project is anticipated to start construction this summer 2009 and will be completed in the spring of 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-38

Ordinance No. 2009-103
(Int. No. 111)

Authorizing A Loan Agreement For The Northwest Apartment
Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a loan agreement with Northwest Apartments, L.P. or a subsidiary formed for the Northwest Apartment Project. The loan shall be for a term of 30 years with interest at the applicable Federal rate. Interest in the amount of 1% shall be payable annually. Payment of the additional interest and the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$175,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2008-09 HOME Program Funds.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-104
(Int. No. 112)

Authorizing The Sale Of Real Estate For The Northwest Apartment
Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of real estate to the Providence Northwest Apartments Housing Development Fund Company, Inc. or a housing development fund company formed for this Project, at their appraised value, for the construction of housing as a part of the Northwest Apartment Project:

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<u>Property Address</u>	<u>SBL Number</u>	<u>Lot Size</u>	<u>Price</u>
28-28.5 Brooklyn St.	105.26-3-68	100 x 121	\$ 600
94 Glendale Pk.	105.34-1-39	50 x 121	475
115 Glendale Pk.	105.34-2-8	50 x 121	475
116 Glendale Pk.	105.34-1-52	49 x 122	450
102-104 Glenwood Ave.	105.27-2-41.1	66 x 129	525
112 Glenwood Ave.	105.27-2-42.3	33 x 108	1
221 Glenwood Ave.	105.34-1-23	49 x 121	450
247 Glenwood Ave.	105.34-1-19	50 x 121	475
225-227 Glenwood Ave.	105.34-1-22	50 x 121	475
346 Glenwood Ave.	105.26-2-64	49 x 129	475
96-98 Mason St.	90.82-3-73	43 x 115	425
100-102 Mason St.	90.82-3-74	42 x 115	425
130 Mason St.	90.82-3-79	42 x 115	425
131-133 Ravine Ave.	105.35-4-53	40 x 99	400
174 Ravine Ave.	105.35-4-3	110 x 98	600
273 Ravine Ave.	105.34-3-21	40 x 137	450
10 Tacoma St.	105.35-4-1	48 x 105	450
17 Tacoma St.	105.34-1-27.1	80 x 65	5,000
56 Tacoma St.	105.27-1-35	42 x 156	475
13 Locust St.	105.43-1-16	40 x 118	425
71 Locust St.	105.42-1-20	40 x 118	425
Total			\$13,901

Section 2. City taxes and other City charges, except water charges, against said properties are hereby cancelled up to the day of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-105
(Int. No. 113)

Approving A Property Tax Exemption And Authorizing An In Lieu
Of Tax Agreement For The Northwest Apartment Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the following properties, to be owned by the Providence Northwest Apartments Housing Development Fund Company, Inc. or a housing development fund company formed for this Project, and to be used for housing as a part of the Northwest Apartment Project:

<u>Property Address</u>	<u>SBL Number</u>
28-28.5 Brooklyn St.	105.26-3-68
94 Glendale Pk.	105.34-1-39
115 Glendale Pk.	105.34-2-8
116 Glendale Pk.	105.34-1-52
102-104 Glenwood Ave.	105.27-2-41.1
112 Glenwood Ave.	105.27-2-42.3
221 Glenwood Ave.	105.34-1-23

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247 Glenwood Ave.	105.34-1-19
225-227 Glenwood Ave.	105.34-1-22
346 Glenwood Ave.	105.26-2-64
96-98 Mason St.	90.82-3-73
100-102 Mason St.	90.82-3-74
130 Mason St.	90.82-3-79
131-133 Ravine Ave.	105.35-4-53
174 Ravine Ave.	105.35-4-3
273 Ravine Ave.	105.34-3-21
10 Tacoma St.	105.35-4-1
17 Tacoma St.	105.34-1-27.1
56 Tacoma St.	105.27-1-35
13 Locust St.	105.43-1-16
71 Locust St.	105.42-1-20

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with the housing development fund company, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-106
Re: Agreement - Lifespan, Aging in
Place

Transmitted herewith for your approval is legislation establishing \$68,000 as maximum compensation for an agreement with Lifespan of Greater Rochester, Inc., for the continuation of the Aging in Place Home Modification Program; and appropriating \$68,000 from the Improving the Housing Stock and General Property Conditions allocation (Housing Choice Fund account) of the 2008-09 Community Development Block Grant to fund the agreement.

Home modification has been identified as a key and economical method for helping older residents remain independent in their own homes. The Aging in Place Senior Home Safety and Security Program was established in 2006 to provide home modification services to eligible city residents.

Elderly city homeowners, whose income is at 80% of the median area income or less, are eligible to participate in the program. Those receiving assistance from any existing City housing rehabilitation program will continue to be referred to Lifespan for the Aging in Place Program as appropriate.

Lifespan conducts home surveys to determine what modifications might be needed to support continued residence, and also provides selected home modifications and/or repairs that directly increase livability options. Typical modifications include installation of stairway handrails, bathtub grab bars, or handheld shower units.

During the past year, Lifespan conducted 227 home surveys and completed 1,084 home modifications for elderly city homeowners. Monthly seminars on fraud, scams, and identify theft offered by Lifespan were attended over the year by a total of 609 people; 43 consumer support cases were resolved.

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Under the proposed program, Lifespan will conduct at least 338 home safety surveys in the city at an estimated total cost of \$20,300 (\$60 per survey). A minimum of 236 of those surveyed will receive safety home modifications at an estimated total cost of \$47,700. Lifespan will continue to offer topical seminars and consumer support services to senior homeowners. Lifespan will also provide orientation and training to potential home modification service providers and make appropriate referrals for home modification work beyond the scope of this program.

This program has operated for three years, and was most recently authorized in April 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-106
(Int. No. 114)

Authorizing An Agreement For The Aging In Place Home
Modification Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Lifespan of Greater Rochester, Inc. for the continuation and promotion of the Aging In Place Home Modification Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$68,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-107
Re: Urban Renewal District
Designation - Bull's Head
Revitalization Area

Transmitted for your approval is legislation approving the Bull's Head Revitalization Area as eligible for designation as an urban renewal district.

This area is generally bounded by properties located on the north sides of Brown Street, West Main Street and West Avenue, as well as properties located on both sides of Hortense Street, Danforth Street, Silver Street and Kensington Street. The area boundary also includes 34-36 Colvin Street, all of Algonquin Street, and the southernmost block of York Street. A boundary map is attached.

The proposed designation is intended to facilitate the redevelopment of the Bull's Head Revitalization Area. The conditions analysis report prepared by Clark Patterson Engineers, Surveyors & Architects, P.C. in March 2009 is available for review in the City Clerk's Office.

April 14, 2009

The approximately 17.5 acre district would comprise 104 existing parcels with separate tax identification numbers including the following existing uses: 69 residential, eight commercial/residential (apartment) mixed-use, twelve commercial, five vacant commercial, and five vacant residential properties; four parking lots, and one industrial property. The district may be subdivided into various development parcels.

Many of the structures within the proposed district are over 80 years old and in poor condition. The proposed district is comprised of numerous vacant and/or underutilized structures and lots.

These conditions constitute sufficient evidence to define the area as “blighted”, satisfying requirements for its designation as an urban renewal district.

If Council approves eligibility, a formal plan for the district will be developed, which will subsequently be submitted to the City Planning Commission and the City Council for approval.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-39

Ordinance No. 2009-107
(Int. No. 115)

Designating An Area To Be Known As The Bull’s Head Urban
Renewal District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby finds and declares that the area in the City of Rochester generally bounded by properties located on the north sides of Brown Street, West Main Street and West Avenue, as well as properties located on both sides of Hortense Street, Danforth Street, Silver Street, and Kensington Street, 34-36 Colvin Street, all of Algonquin Street and the southernmost block of York Street, as set forth in a conditions report and map prepared by Clark Patterson Engineers, Surveyors & Architects, P.C. on file in the Office of the City Clerk, is substandard and insanitary and is appropriate for urban renewal in accordance with the provisions of Article 15 of the General Municipal Law of the State of New York. The Council hereby designates the same as an urban renewal area to be known as the Bull’s Head Urban Renewal District.

Section 2. The Council finds that this area is blighted, deteriorated or deteriorating due to the presence of distressed and underutilized land, and that the conditions of the area are hampering and impeding proper economic development, and are inimical to the public health, safety, morals and welfare of the inhabitants of the City of Rochester and the State of New York. Designation of this area as an urban renewal area will permit clearance, planning and redevelopment activities to accomplish economic development objectives.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-108
Re: Budget Amendment - City
Demolition Program

April 14, 2009

Transmitted herewith for your approval is legislation amending the 2008-09 Budget by transferring \$425,000 from the Contingency Account to the Cash Capital account of the Department of Community Development to further fund the City demolition program.

The current demolition budget for 2008-09 is \$2,900,000. With that amount, 151 structures have been, or are in the process of being demolished, and over 200 structures have had asbestos work performed. Based on projected work for the remainder of this fiscal year, current funds are not sufficient to continue the program or to address any emergency demolitions.

The additional \$425,000 will be used as follows:

1. \$125,000 for 24 additional demolitions to be conducted by the Department of Environmental Services in 2008-09. Properties referred to DES are first surveyed, and asbestos containing materials are removed. To date, DCD has referred 42 of these structures to DES for demolition.
2. \$200,000 for DCD to perform an additional ten high-priority demolitions, and two emergency demolitions before the end of the fiscal year.
3. \$100,000 to fund the combined asbestos abatement and demolition of the former Green Acres facility at 101 Berlin Street. This 17,500 square foot former warehouse has started to collapse and needs to be demolished expeditiously. The high estimated cost of demolition is attributed to both the size of the building and its deteriorated structural condition. Since parts of the building are in a state of collapse, the complete asbestos abatement prior to demolition is impossible. Instead asbestos abatement will be combined with demolition, with portions of the building having to be removed as asbestos waste.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-108
(Int. No. 146)

Amending The 2008-09 Budget For The Demolition Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$425,000 from the Contingency Account to the Cash Capital allocation to fund the City Demolition Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-109
Re: Restore NY Communities
Initiative - Round 3

April 14, 2009

Transmitted herewith for your approval is legislation authorizing an application to and an agreement with the Empire State Development Corporation (ESDC) for two grants totaling \$18,767,990 through the Restore NY Communities Initiative Program.

Restore NY provides financial assistance to municipalities for the demolition, deconstruction, rehabilitation or reconstruction of vacant, abandoned, surplus or condemned residential and/or commercial properties. The ESDC total funding for the program was \$50 million in 2006, \$100 million in 2007, and has increased to \$150 million for this year, the third and final round of the program. The ESDC limits municipalities with populations of over 100,000 to two projects and to a maximum request of \$10 million per project.

The City released its own Restore NY Request for Proposals (RFP) in anticipation of the ESDC's RFP for Restore NY. The City subsequently received 26 proposals that together requested a total of \$28,767,990. A committee of staff from Zoning, Housing and Project Development, Economic Development, Division of Environmental Quality, Law, and Site Plan Review reviewed and ranked the proposals. Accordingly, the City will apply to the ESDC for two projects and request a total of \$18,767,990 in funding. The application will be submitted by May 4, 2009.

The City is proposing to undertake either demolition or rehabilitation on the sites identified on the attached Property Assessment List. The two projects to be identified in the application are the Development Site Clearance Project, and Center City Revitalization Project.

Development Site Clearance Project Restore NY funds totaling \$9,349,378 would be used for the following:

- | | |
|----------------------------------|------------------------------|
| 1. <i>Conifer on Fernwood</i> | Developer: Conifer Realty |
| Address: 100-142 Fernwood Ave. | Type of Activity: Demolition |
| Total Demolition Cost: \$786,773 | ESDC Request: \$503,070 |

Demolition of two privately-owned abandoned buildings that used to house the Voplex Corporation. The main building is an approximately 120,000 square foot one-story concrete block building and the other is a 3,000 square foot brick building. This demolition will help create a shovel-ready site for new housing construction. The project is currently participating in the NYS Brownfield Cleanup Program.

- | | |
|--|------------------------------------|
| 2. <i>Former Genesee Hospital site</i> | Developer: Tracy Street Realty LLC |
| Address: 230-250 Alexander Street | Type of Activity: Demolition |
| Total Demolition Cost: \$11,903,692 | ESDC Request: \$6,846,308 |

Redevelopment of a 7.4 acre site formally occupied by the Genesee Hospital. The site is encumbered by 10 interconnected buildings. The project involves demolition of a majority of the buildings and redevelopment of the site for medical office, retail, commercial, and residential uses. The project also involves major asbestos abatement, utility improvements and new streets. Phase 1 demolition and renovation of retained buildings is underway. Total project cost for the new complex is \$75 million; of that amount, the total asbestos and demolition cost is \$11,903,692.

3. *City owned properties*

The demolition of up to 150 residential, mixed-use, and commercial structures with funding in the amount of \$2,000,000. Restore NY funds will be used to address City-owned residential and commercial buildings as part of the ongoing strategy to right-size the housing stock, assemble sites for development, and implement focused demolition of obsolete properties. These structures have been assessed for possible re-use and demolition is recommended.

Center City Revitalization Project Restore NY funds totaling \$9,418,612 would be used to create approximately 30 new rental housing units, 50 new condominium housing units, and the renovation of 99,242 sq. ft of commercial space in the following six downtown buildings (map attached):

- | | |
|---------------------------------|--------------------------------------|
| 1. <i>First Realty Property</i> | Developer: 217 West Main Street, LLC |
|---------------------------------|--------------------------------------|

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Address: 217 West Main Street
Total Development Cost: \$3,948,405

Type of Activity: Rehabilitation
ESDC Request: \$1,616,152

Commercial space to be renovated: 27,398 sq. ft.
Number of jobs to be created and retained: 50 jobs
New rental housing units to be created: N/A

2. *Trolley Barn* Developer: 61 Commercial Realty LLC
Address: 61 Commercial Street Type of Activity: Rehabilitation
Total Development Cost: \$5,841,302 ESDC Request: \$2,644,947

Commercial space to be renovated: 45,093 sq. ft.
Number of jobs to be created and retained: 200 jobs
New rental housing units to be created: N/A

3. *Kirstein Building* Developer: 234-250 Andrews St.
LLC/Globe Developers
Address: 234-250 Andrews Street Type of Activity: Rehabilitation
Total Development Cost: \$4,045,630 ESDC Request: \$1,100,000

Commercial space to be renovated: 8,830 sq. ft.
Number of jobs to be created and retained: N/A
New rental housing units to be created: 30

4. *Capron Street Lofts* Developer: Riverview Lofts LLC
Address: 228 South Avenue Type of Activity: Rehabilitation
Total Development Cost: \$5,200,000 ESDC Request: \$1,250,000

Commercial space to be renovated: 5,000 sq. ft.
Number of jobs to be created and retained: N/A
New condominium housing units to be created: 19

5. *250 East Avenue* Developer: QP, LLC
Address: 250 East Avenue Type of Activity: Rehabilitation
Total Development Cost: \$1,290,000 ESDC Request: \$335,000

Commercial space to be renovated: 3,321 sq. ft.
Number of jobs to be created and retained: N/A
New condominium housing units to be created: 2

6. *44 Exchange Boulevard* Developer: Philipponne
Associates/Empire Living LLC
Address: 44 Exchange Boulevard Type of Activity: Rehabilitation
Total Development Cost: \$7,131,288 ESDC Request: \$2,472,513

Commercial space to be renovated: 9,600 sq. ft.
Number of jobs to be created and retained: N/A
New condominium housing units to be created: 29

In accordance with Restore NY Program guidelines, this application is consistent with the following principles:

- o The proposed projects are consistent with City policy documents, including:
 - Comprehensive Plan;
 - Consolidated Community Development Plan/Strategic Plan 2005/06 – 2009/10

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- Center City Master Plan
 - Housing Policy
 - City-Wide Rochester Housing Market Study Recommendations
- o The proposed financing is appropriate for the identified projects;
 - o The projects will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources.
 - o Where applicable, the projects develop and enhance infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities.

The City was awarded \$2.3 million and \$6 million in Restore NY funds from the ESDC in 2006 and 2007, respectively.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-40

Ordinance No. 2009-109
(Int. No. 133)

Authorizing An Application And Agreement For A Grant Under The
Restore NY Communities Initiative Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the Empire State Development Corporation for funding under the Restore NY Communities Initiative Program which shall be used by the City for the demolition of City-owned properties and private properties, and the rehabilitation of Center City properties.

Section 2. The application and agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. In accordance with Restore NY Program guidelines, this application is consistent with the following principles:

- (a) The proposed projects are consistent with: 1) the Comprehensive Plan; 2) the Consolidated Community Development Plan/Strategic Plan 2005/06 - 2009/10; 3) the Center City Master Plan; 4) the Housing Policy; and 5) the City-Wide Rochester Housing Market Study Recommendations;
- (b) The proposed financing is appropriate for the identified projects;
- (c) The projects will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources.
- (d) Where applicable, the projects develop and enhance infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities.

April 14, 2009

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Local Improvement Ordinance No. 1598
Alexander St. and South Avenue
Open Space Maintenance Special
Assessment District

Transmitted herewith for your approval is legislation approving the 2009-10 assessments for the South Avenue/Alexander Street Open Space Maintenance Special Assessment District located at 62 Alexander Street. These assessments finance the cost of maintenance of this property.

The Assessment District for the area was established in 2004 through Local Improvement Ordinance No. 1537. The South Avenue and Alexander Street Green Space Enhancement project is the result of a Sector Targeted Funding Initiative project that reconstructed the open space at the corner of South Avenue and Alexander Street into a fully accessible open space, meditation area and recreational space.

The assessments reflect annual maintenance costs of \$6,500, based on annual maintenance estimates obtained by the South Wedge Planning Committee (SWPC). Costs include mowing of grass, trimming shrubs, watering, weeding, trash pick-up and removal, fall leaf clean-up, security equipment operation, and a reserve to pay for repairs to structures and pavement installed in the open space.

The South Wedge Planning Committee will be responsible for property maintenance. The City will reimburse SWPC from the assessment fund upon submission of vouchers for maintenance expenses.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1598
(Int. No. 138)

Local Improvement Ordinance - Establishing The Cost Of The
Special Work And Services Related To The South Avenue/Alexander
Street Open Space District And Authorizing An Agreement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The cost of the special work and services to be assessed for the 2009-10 fiscal year for the South Avenue/Alexander Street Open Space District is established at \$6,500, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1537.

Section 2. The Mayor is further authorized to enter into an agreement with the South Wedge Planning Committee for the maintenance of the South Avenue/Alexander Street Open Space District.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$6,500, and said amount, or so much thereof as may be necessary, is hereby appropriated from the assessments authorized herein.

April 14, 2009

Section 4. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

Councilmember Warren moved to discharge Int. No. 145 from committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-110

Re American Recovery and Reinvestment
Act CDBG Funds

Transmitted herewith for your approval is legislation related to the Community Development Block Grant. This legislation will:

1. Amend the Consolidated Community Development Plan 2008-09 Annual Action Plan to reflect the receipt and use of \$2,585,159 in Community Development Block Grant funds received through the federal American Recovery and Reinvestment Act of 2009;
2. Authorize the submission of the Development Plan amendment to the U.S. Department of Housing and Urban Development, and the execution of any grant agreements;
3. Appropriate \$1,500,000 of the funds for the EDD Financial Assistance Loan & Grant Program; and
4. Authorize the Mayor to enter into agreements for the use of these funds.

As part of the federal stimulus package, the City of Rochester is receiving an additional \$2,585,159 in Community Development Block Grant Funds. The EDD funds are the only funds being requested to be appropriated at this time. Specific program appropriations for the housing funds will be requested in the future. CDBG allocations will be increased as noted below:

EDD Financial Assistance Loan & Grant Program (\$1,500,000) This program provides financial assistance to city businesses and funds the following programs: EDD Financial Assistance Program, EDD Building Renovation Matching Grant Program, Targeted Business Assistance Program, Main Street Assistance Program, and Pre-Development Grant Program

Housing Development Fund (\$500,000) This program provides financing for: development of owner housing by Community Development Organizations; rehabilitation grants and loans for owner occupants for minor rehabilitation; lead hazard reduction for owner occupants and landlords; housing development support through Home Rochester and the Focused Investment Strategy; moderate rehabilitation under the

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Emergency Assistance Rehabilitation Program; development of rental projects; and the administration of the Neighborworks Revolving Loan Fund.

Homeownership Assistance Fund (\$68,127) Provides down payment/closing cost assistance to first-time homebuyers, pre-and post-purchase education and training; write-down subsidies for the acquisition and rehabilitation and resale of vacant structures; foreclosure prevention services and mortgage default resolution.

Neighborhood and Asset Planning Fund (\$517,032) This program focuses on activities that increase homeownership, stabilize existing owner-occupants, and stabilize existing investment. It provides support to neighborhood groups participating in the Neighbors Building Neighborhoods process, and to improve four selected neighborhoods.

A public hearing on the Consolidated Plan amendment is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-110
(Int. No. 145)

Authorizing An Amendatory 2008-09 Community Development
Program Plan And Authorizing Agreements And Appropriating
Funds For The American Recovery And Reinvestment Act Of 2009

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves amendments to the 2008-09 Community Development Program Plan to enable the City to receive and administer additional Community Development Block Grant funds in the amount of \$2,585,159 from the U.S. Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009, for the following purposes:

EDD Financial Assistance Loan & Grant Program - \$1,500,000
Housing Development Fund - \$500,000
Homeownership Assistance Fund - \$68,127
Neighborhood and Asset Planning Fund - \$517,032

Section 2. The Mayor is hereby authorized to enter into all necessary agreements to enable the City to receive and administer additional Community Development Block Grant funds from the U.S. Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009.

Section 3. There is hereby appropriated from the EDD Financial Assistance Loan & Grant Program allocation of the 2008-09 Community Development Program the sum of \$1,500,000, or so much thereof as may be necessary, to fund the EDD Financial Assistance Loan & Grant Program.

Section 4. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the EDD Financial Assistance Loan & Grant Program.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

April 14, 2009

TO THE COUNCIL

Ladies and Gentlemen:

Re: Introductory No. 110
Amendatory Agreement - NCS
Community Development
Corporation, FIS Exterior and
Security Rehabilitation Program

Transmitted herewith for your approval is legislation related to the implementation of the Exterior and Security Rehabilitation Program as part of the Focused Investment Strategy. This legislation will:

1. Appropriate \$1,000,000, and \$500,000 from the Improving the Housing Stock and General Property Conditions allocations of the 2007-08 and the 2008-09 Community Development Block Grants, respectively to fund the program; and
2. Authorize an amendatory agreement with NCS Community Development Corporation, Inc., to add the administration of the program to their existing agreement to provide EARP services (Ordinance No. 2009-09), and extending the term through April 30, 2010.

NCS Community Development Corporation, Inc. currently administers the EARP program through a collaborative of service delivery partners for each city quadrant. As such, they are uniquely positioned to deliver similar services for the Focused Investment Strategy FIS ESRP. NCS will be paid an administration fee of 10% per project.

The FIS concentrates a portion of CDBG resources to effect visible, positive changes in specific neighborhoods within three to five years. Through a process that included community input, four FIS areas were approved by Council in August 2008: Beechwood, Dewey/Driving Park, Jefferson Avenue, and Marketview Heights.

The Exterior and Security Rehabilitation Program (ESRP) offers deferred loans to owner-occupants to improve the overall appearance and security of each of the FIS neighborhoods. Homeowners will contribute up to \$500 toward the cost of repairs; and the loans to recipients who continue residence for five years will be forgiven.

The program will fund rehabilitation projects to improve the exterior and enhance the security of privately-owned residential properties. Design standards for enhanced curb and neighborhood appeal are being established. Repairs may include: roof repair and/or replacement, siding or paint for the house and garage, gutters, windows, exterior entry doors, front porch repair or replacement, driveways, sidewalks outside of the right of way, foundation plantings, demolition of exterior structures, or other enhancements as appropriate. Security repairs may include: entry door locks and dead bolts, back yard fencing, internal security alarm systems (monitoring services to be paid by homeowner), glass block windows in basements, and exterior lighting at entry ways and garages, if electric service is already available.

Deferred loans of up to \$20,000 will be available to owner-occupant households with incomes at or below 80% of area median income. Loan amounts will be determined by the needs of specific properties to meet the design standards. A minimum of \$300,000 will be allocated for each FIS area, and \$50,000 will be reserved by the City to address any warranty issues.

The grants will be marketed in each FIS area according to plans determined by their respective community stakeholders. A lead-based paint risk assessment will be conducted for each identified project, and eligible households will be able to utilize City programs to address identified lead hazards.

Respectfully submitted,
Robert J. Duffy
Mayor

April 14, 2009

Introductory No. 110

APPROPRIATING FUNDS AND AUTHORIZING AGREEMENTS
FOR THE FOCUSED INVESTMENT STRATEGY EXTERIOR AND
SECURITY REHABILITATION PROGRAM

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program the sum of \$1,000,000 and from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$500,000, or so much thereof as may be necessary, to fund the Focused Investment Strategy Exterior and Security Rehabilitation Program.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with NCS Community Development Corporation, Inc. to administer the Focused Investment Strategy Exterior and Security Rehabilitation Program.

Section 3. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Held in committee.

By Councilmember Lightfoot
April 14, 2009

To the Council:

The Parks & Public Works Committee recommends for Adoption the following entitled legislation:

Int. No. 116 - Authorizing The Acquisition Of The Former Hojack Railroad Right Of Way

Int. No. 117 - Authorizing An Agreement For The Edgerton Recreation Center Aquatic Facilities And Playground Improvements Project

Int. No. 118 - Establishing Maximum Compensation For A Professional Services Agreement For A Cortland Street Truck Tunnel Portal Study

Int. No. 135 - Authorizing Agreements For Materials Testing Services

Int. No. 139 - Establishing Maximum Compensation For An Agreement For A Lot Maintenance Jobs Training Program

Int. No. 140 - Establishing Maximum Compensation For An Agreement For A Transitional Jobs Training Program

The Parks & Public Works Committee recommends for Consideration the following entitled legislation:

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Int. No. 119 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

Int. No. 120 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements

Int. No. 121 - Continuation Of Local Improvement Ordinance No. 1422 Relating To The Norton Street Urban Renewal District Street Lighting District

Int. No. 122 - Approving An Increase In The Pavement Width Of Colebourne Road

Int. No. 123 - Approving The Culver Road Improvement Project And Changes In Pavement Width Of Culver Road

Int. No. 124 - Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Culver Road Improvement Project

Int. No. 136 - Establishing Maximum Compensation For A Professional Services Agreement For The Mt. Hope Avenue And South Clinton Avenue Enhancement Project

Int. No. 137 - Approving Changes In The Pavement Width Of Mt. Hope Avenue And South Clinton Avenue

Respectfully submitted,
John F. Lightfoot
Carla M. Palumbo
Gladys Santiago
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-111
Re: Transfer of Right-of-Way for
Durand Eastman Park Beach

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Parks, Recreation and Historic Preservation for the purchase of the former Hojack Railroad right-of-way, pursuant to Section 34 of New York State Public Lands Law, and certification that the land will remain in use as public park land. This is an 18.5 acre parcel within Durand Eastman Park; the cost of said parcel sale will be \$1.00.

The State of New York purchased the parcel from the railroad in 1981, and granted an easement to Monroe County to allow construction of the Lakeside Trail in 2006. On June 24, 2006, Council authorized an amendatory agreement with the County for the operation and maintenance of a portion of the Durand Eastman Beach and also the acceptance of temporary easements from the State of New York to place an office trailer and portable toilets on the State land.

This sale will consolidate City ownership of the area of Durand Eastman Park maintained and operated by the City, and facilitate the implementation of future capital improvements as planned in the Durand Eastman Park Beach Master Plan.

Maps and legal descriptions of the property are available for review in the City Clerk's office.

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Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-41

Ordinance No. 2009-111
(Int. No. 116)

Authorizing The Acquisition Of The Former Hojack Railroad Right
Of Way

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of the former Hojack Railroad right of way from the New York State Office of Parks, Recreation and Historic Preservation for the sum of \$1.

Section 2. The Council hereby certifies that such parcel is useful for local park purposes and will be properly improved and maintained for such purposes as a part of Durand Eastman Park.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-112
Re: Agreement - Stantec Consulting
Services, Edgerton Recreation
Center

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Stantec Consulting Services, for landscape architectural and mechanical engineering design services at Edgerton Recreation Center for improvements to the aquatic facilities and playground. The cost of the agreement will be financed from the General Property Conditions allocation of the 2006-07 Consolidated Community Development Block Grant.

The project includes the design and construction of improvements to the Edgerton Recreation Center to provide zero-depth, non-recirculating water play and playground facilities. Improvements will include installation of utilities (water, sewer, electric) to support water play, pre-teen and toddler play apparatus with safety surfacing, the relocation of existing bocce courts, redesign of traffic lanes, parking, and related site improvements.

Proposals were solicited from four area firms: Stantec Consulting Services, Environmental Design & Research P.C., Bergmann Associates P.C., and Bayer Associates. Project-specific qualifications of each firm were rated by staff; based on their qualifications and approach to the project, Stantec was selected.

Design is scheduled to be completed in late Summer 2009. Construction is scheduled for early Spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-42

April 14, 2009

Ordinance No. 2009-112
(Int. No. 117)

Authorizing An Agreement For The Edgerton Recreation Center
Aquatic Facilities And Playground Improvements Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Stantec Consulting Services for landscape architectural and mechanical engineering design services for the Edgerton Recreation Center Aquatic Facilities and Playground Improvements Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$50,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-113
Re: Agreement - Cortland Street
Truck Tunnel Portal Study

Transmitted herewith for your approval is legislation establishing \$11,000 as maximum compensation for an agreement with LaBella Associates, P.C. for engineering services for the study of alternate portal locations for the Cortland Street truck tunnel in conjunction with the Midtown Revitalization Project. The cost of the agreement will be financed from the 2008-09 Cash Capital allocation for the Department of Economic Development.

The Cortland Street tunnel is a City-owned facility which currently provides underground vehicular access for delivery and service trucks to the Rochester Riverside Convention Center, the Hyatt Hotel, and Chase Tower. The tunnel was also used as access to businesses previously located on the Midtown Plaza site. The current street entrance to the tunnel is located at Atlas Street. With the planned demolition and redevelopment of the Midtown Plaza, there is a need to consider alternate locations of the portal to the truck tunnel for continued use.

LaBella Associates studied several alternate portal locations on the Midtown site as part of their master planning design agreement for the Midtown Revitalization Project, authorized by City Council in January 2008 (Ordinance 2008-25). This subsequent agreement would expand on their preliminary feasibility study to evaluate and recommend an alternate portal, likely to be located on South Avenue. LaBella Associates is recommended due to their familiarity with the Midtown site and the truck tunnel operation.

It is anticipated that a final recommendation will be made for portal relocation prior to the start of site demolition.

Respectfully submitted,
Robert J. Duffy

April 14, 2009

Mayor

Ordinance No. 2009-113
(Int. No. 118)

Establishing Maximum Compensation For A Professional Services
Agreement For A Cortland Street Truck Tunnel Portal Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$11,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for a Cortland Street Truck Tunnel Portal Study. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-114
Re: Agreements - Materials Testing

Transmitted herewith for your approval is legislation authorizing professional services agreements with the following companies for the testing and analysis of various construction materials:

<u>Company</u>	<u>Address</u>
Asbestos & Environmental Consulting	6296 Fly Road, Syracuse, NY
Atlantic Testing Laboratories	3495 Winton Place
Barton & Loguidice, P.C.	1 South Washington Street, Ste. 520
CME Associates	385 Sherman Street
Foundation Design, P.C.	335 Colfax Street
Flower City Monitor	100 Boxart Street
Lozier Analytical Group	2011 East Main Street
Paradigm Environmental Services, Inc.	179 Lake Avenue
SJB Services, Inc.	535 Summit Point Drive
Tierney Geotechnical Engineering	3445 Winton Place, Suite 117

The costs of the testing will be financed from the annual budgets of the Department of Environmental Services and, if necessary, the departments using the services, or from the capital funds appropriated for specific construction projects.

The tests will involve exploratory drilling and sampling of soils, asbestos, asphalt, concrete, masonry, structural steel and road base materials. Such tests are routinely required by the Bureau of Architecture and Engineering for street, bridges, and building renovation projects.

The previous agreements for testing services were authorized by the City Council in April 2007. Each of these agreements had an initial term of one year with provision for renewal for one additional year. In anticipation of the expiration of these agreements, the Department of Environmental Services solicited proposals from 11 firms; the ten responding firms are all recommended.

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When tests are necessary, one or more of these companies will be utilized. The selection of a specific company will depend upon the type of test required, the company's special skills, and its ability to accommodate the City's schedule. The volume of tests will depend upon the number of construction projects that are authorized. The cost of the tests will be based on the unit prices specified in the company's proposal.

Each of the agreements will have an initial term of one year with provision for renewal for an additional one year period. Adjustment of the specified unit prices during the second year will be permitted but will be subject to approval by the City Engineer.

Following is a summary of the payments made under the agreements from 2007 thru 2009:

Company

Atlantic Testing Laboratories	\$ 35,555.99
Barton & Loguidice, P.C.	\$265,830.63
CME Associates	\$ 94,399.82
ENSR	\$ 37,953.81
Lozier Analytical Group	\$561,183.75
Paradigm Environmental Services, Inc.	\$495,178.50
Van De Horst (SJB Services)	\$ 27,954.50

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-114
(Int. No. 135)

Authorizing Agreements For Materials Testing Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for the testing of various construction materials as required by the City:

Company

Address

Asbestos & Environmental Consulting	6296 Fly Road, Syracuse, NY
Atlantic Testing Laboratories	3495 Winton Place
Barton & Loguidice, P.C.	1 South Washington Street, Suite 520
CME Associates	385 Sherman Street
Foundation Design, P.C.	335 Colfax Street
Flower City Monitor	100 Boxart Street
Lozier Analytical Group	2011 East Main Street
Paradigm Environmental Services, Inc.	179 Lake Avenue
SJB Services, Inc.	535 Summit Point Drive
Tierney Geotechnical Engineering	3445 Winton Place, Suite 117

Section 2. Each agreement shall have a term of one year, with provision for renewal for an additional one year. Each agreement shall provide for a test to be performed on an as needed basis and shall establish a unit price to be paid for a particular test. The unit price may be adjusted during the renewal year with the approval of the City Engineer. The cost of said test shall be funded from the annual budget or from project appropriations.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

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Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-115 and

Ordinance No. 2009-116

Re: Agreements - Rochester Landscape
Technicians, Lot Maintenance,
And Information Distribution

Transmitted herewith for your approval is legislation authorizing agreements with Rochester Landscape Technicians Programs, Inc. for the provision of lot maintenance services and for the delivery of informational flyers associated with the City's Chip Seal program.

The goal of Rochester Landscape Technicians is to provide a transitional jobs program, which promotes work readiness and self-sufficiency. Participants receive assistance to reduce negative behaviors and to complete requirements for a GED. The consultant will hire City residents between the ages of 18 to 28.

Lot maintenance services. This legislation will establish \$27,400 as maximum compensation for the agreement; the cost will be financed from the 2008-09 Budget of the Department of Environmental Services. Rochester Landscape Technicians will provide light debris and trash removal and grass cutting at each of approximately 315 City-owned 4,000 square-foot lot-equivalents. Eight cutting cycles are proposed throughout the term of the agreement, May 1, 2009 through April 30, 2010.

The lots will be concentrated within the southwest section of the City. A total of \$10.84 will be paid for each cleaning and cutting of each lot equivalent.

Delivery of informational flyers. This legislation will establish \$13,500 as maximum compensation for this agreement with Rochester Landscape Technicians. The cost will be funded from the 2008-09 Budget of the Department of Environmental Services; the term will run from May 1, 2009 through April 30, 2010. The consultant will assemble and distribute the informational flyers to appropriate households. The reimbursement rate will be \$450 per 1,000 flyers delivered.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-115
(Int. No. 139)

Establishing Maximum Compensation For An Agreement For A Lot
Maintenance Jobs Training Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$27,400, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester Landscape Technicians Programs, Inc. for a lot maintenance services jobs training program. Said amount shall be funded from the 2008-09 Budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.

April 14, 2009

Passed unanimously.

Ordinance No. 2009-116
(Int. No. 140)

Establishing Maximum Compensation For An Agreement For A
Transitional Jobs Training Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$13,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester Landscape Technicians Programs, Inc. for a transitional jobs training program involving the delivery of informational notices associated with the City's Chip Seal program. Said amount shall be funded from the 2008-09 Budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1599,
Local Improvement Ordinance No. 1600 and
Local Improvement Ordinance No. 1601
Re: Local Improvement Ordinance -
Special Assessment Districts

Transmitted herewith for your approval is legislation establishing the 2009-10 budgets for 11 special assessment districts, nine of which provide for street lighting enhancements, and two for streetscape enhancements; and reauthorizing the street lighting district for the Norton Street URD for a new 10-year term. The districts are as follows:

<u>LIO</u>	<u>District</u>	<u>2009-10</u>	<u>2008-09</u>	<u>Variance</u>	<u>Type</u>
1547	Wilson Boulevard	\$ 440.22	\$ 514.38	\$ (74.16)	Street lighting
1502	Lyell Avenue I	2,458.30	2,502.45	(44.15)	Street lighting
1503	Lyell Avenue II	2,385.98	2,616.69	(230.71)	Street lighting
1413	Monroe I	1,229.46	1,265.48	(36.02)	Street lighting
1412	Monroe II	535.89	579.55	(43.66)	Street lighting
1429	Cascade Historic	1,498.94	1,417.99	80.95	Street lighting
1430	Cascade Historic	4,500.00	5,000.00	(500.00)	Streetscape
1421	Norton Street URD	2,815.00	2,815.00	0	Streetscape
1422	Norton Street URD	1,215.03	1,318.14	(103.11)	Street lighting
1472	Lake Avenue	3,507.19	3,774.30	(267.11)	Street lighting
1552	St. Paul Street	445.85	370.07	75.78	Street lighting

The Wilson Boulevard district (1995, LIO No. 1374; 2005, LIO No. 1547) included the installation of six lighting fixtures. The capital cost of the enhancement was financed by the University of Rochester.

The Lyell Avenue I district (1992, LIO No. 1340; 2002, LIO No. 1502) includes 72 properties along the portion of Lyell Avenue between State and Broad Streets and at the intersections of Lyell and Saratoga Avenues, Verona Street and Amber Place. The enhancements involved the replacement of 250-watt fixtures with 400-watt fixtures on 25 poles along the street. It also involved the replacement of 100/150-

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watt with 250-watt fixtures on four poles at the aforementioned intersections. The capital cost of the enhancement was financed with Community Development Block Grants funds.

The Lyell Avenue II district (1998, LIO No. 1377; 2002, LIO No. 1503) includes 95 properties along the portion of Lyell Avenue between Broad and Hague Streets and at the intersections of Orchard and Whitney Streets. The enhancements involved the replacement of 250-watt fixtures with 400-watt fixtures on 29 poles along the street. It also involved the replacement of 100/150-watt fixtures with 250-watt fixtures on two poles at the intersections. The capital cost of the enhancement was financed with Community Development Block Grant (CDBG) funds.

The Monroe Avenue I district (1998, LIO No. 1413) includes 102 properties along the portion of Monroe Avenue between the Inner Loop and I-490. The Monroe Avenue II district (1998, LIO No. 1412) includes 68 properties from Inner Loop to Culver Road. The districts provide for the fluting of the bronze-colored metal davit light poles, and pedestrian-level lights attached to the back of the davit poles. The capital cost of the enhancements for both districts was financed with City funds.

The Cascade Historic districts were established in 1999 and include 29 properties along Cascade Drive and North Washington Street from Main Street West to the north end. LIO No. 1429, which provides for the lighting enhancements, is based on the differential between maintenance and operation of a standard davit system and the post top ornamental system. LIO No. 1430, which provides for the streetscape enhancements, included a berm on the north side of Cascade Drive and decorative tree grates and planters. In 2001, special benches and a clock were also installed within the district. The capital cost of the enhancements was financed with federal funds.

The Norton Street Urban Renewal special assessment districts were established in 1998 and include 9 properties along Excel Drive, from Norton and Bastian. The Street lighting assessment district, LIO No. 1422, provides for pedestrian level lighting fixtures on Excel Drive, the retention of acorn fixtures on the north side of Norton Street, the annual energy and maintenance costs for the light fixtures. The streetscape assessment district, LIO No 1421, provides for the maintenance of special sidewalk pavements, signage and landscaping. The capital cost of the enhancements was financed with federal funds.

The Lake Avenue district (2000, LIO NO. 1472) includes 67 properties along Lake Avenue between Beach Avenue and Stutson Street. The enhancements consist of 26 post-top 100-watt lights and 25/100-watt pedestrian lights mounted on the roadway poles. The capital cost of the enhancements was financed with State funding.

The St. Paul Street district (2005, LIO No. 1552) includes 26 properties along St. Paul Street between Bittner and Mortimer Streets. The enhancements consist of 11 pedestrian level arms and 100-watt lights mounted on the roadway poles. The first year of the assessment included the entire capital expense for the installation of the enhanced facilities in addition to the energy and maintenance of the lights.

Public hearings are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1599
(Int. No. 119)

Local Improvement Ordinance - Establishing The Operating And
Maintenance Costs Of Street Lighting Special Assessment Districts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement

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ordinances for the operation and maintenance of special assessment districts for street lighting enhancements during 2009-10:

<u>Street Lighting District</u>	<u>Amount</u>	<u>LIO</u>
Wilson Boulevard	\$ 440.22	1547
Lyell Avenue I	2,458.30	1502
Lyell Avenue II	2,385.98	1503
Monroe Avenue I	1,229.46	1413
Monroe Avenue II	535.89	1412
Cascade Historic	1,498.94	1429
Norton Street Urban Renewal	1,215.03	Pending
Lake Avenue	3,507.19	1472
St. Paul Street	445.85	1552

Section 2. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

Local Improvement Ordinance No. 1600
(Int. No. 120)

Local Improvement Ordinance - Establishing The Operating And
Maintenance Costs Of Special Assessment Districts For Streetscape
Enhancements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement ordinances for the operation and maintenance of special assessment districts for streetscape enhancements during 2009-10:

<u>Streetscape District</u>	<u>New Amount</u>	<u>LIO</u>
Cascade Historic	\$4,500	1430
Norton Street Urban Renewal	2,815	1421

Section 2. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

Local Improvement Ordinance No. 1601
(Int. No. 121)

Continuation Of Local Improvement Ordinance No. 1422 Relating
To The Norton Street Urban Renewal District Street Lighting
District

WHEREAS, by Local Improvement Ordinance No. 1422, the City provided for the levying of local improvement assessments to fund the cost of special work and services related to the Norton Street Urban Renewal District Street Lighting District; and

April 14, 2009

WHEREAS, the Council desires to continue said Local Improvement Ordinance for an additional period of ten years;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Local Improvement Ordinance No. 1422, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Norton Street Urban Renewal District Street Lighting District, is hereby re-enacted for an additional period of ten years, commencing on July 1, 2009.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-117

Re: Colebourne Road Improvement
Project

Transmitted herewith for your approval is legislation authorizing an increase of four feet in pavement width on Colebourne Road, from 20 feet to 24 feet, beginning at the east end of Colebourne Road to a point 60 feet east of North Winton Road, then tapering to the existing 22 foot width at North Winton Road.

The original construction of Colebourne Road included 20 feet of pavement with a two-foot paved gutter along both sides. Over time, the street and lack of curbing had led to variable pavement width of 20 to 23 feet of existing roadway surface. The gradual taper is to accommodate completed work as part of the reconstruction of North Winton Road in 2001.

The project is being designed by the City's Department of Environmental Services, Bureau of Architecture and Engineering. It will include reconstruction of the pavement; installation of new curbs; new water services, driveway aprons and sidewalks; installation of a post top street lighting system and an underdrain/storm drainage system with catch basins; and topsoil, seed and tree plantings. The pavement width changes will allow for two 12-foot lanes while retaining the existing single-side parking.

It is anticipated the design will be completed by the end of Spring 2009. Construction is projected to begin in Summer 2009, with substantial completion by Fall 2009.

A public informational meeting was held on March 10, 2009; copies of the meeting minutes are attached. The pavement width changes will be presented for endorsement at the April 7, 2009 Traffic Control Board meeting.

A public hearing on the pavement width change is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-43

Ordinance No. 2009-117
(Int. No. 122)

Approving An Increase In The Pavement Width Of Colebourne Road

April 14, 2009

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an increase of 4 feet, from 20 feet to 24 feet, in the pavement width of Colebourne Road from the east end to a point 60 feet east of North Winton Road, with a gradual taper to the existing 22 feet at North Winton Road, as part of the Colebourne Road Improvement Project.

Section 2. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-118 and
Ordinance No. 2009-119
Re: Culver Road Improvement Project
(Atlantic Avenue-Garson Avenue
and Laurelton Road-Clifford Avenue)

Transmitted herewith for your approval is legislation related to the Culver Road Improvement Project. This legislation will:

1. Approve the Culver Road Improvement Project Engineering Planning Report;
2. Authorize the geometric changes recommended in the report as follows:

Culver Road (East Main Street to Garson Avenue):

- a. Decrease of 6 feet from 40 feet to 34 feet, from 110 feet south to 60 feet north of Macbeth Street;
- b. Decrease of 6 feet from 40 feet to 34 feet, from 120 feet south to 70 feet south of Cedarwood Terrace;
- c. Decrease of 6 feet from 34 feet to 28 feet, from 70 feet south to 90 feet north of Cedarwood Terrace;
- d. Transitional increase of 12 feet from 28 feet to 40 feet, from 90 feet north of Cedarwood Terrace to 100 feet south of Garson Avenue.

Culver Road (Laurelton Road to Clifford Avenue):

- e. Transitional decrease of 7 feet from 35 feet to 28 feet, from west Laurelton Road to east Laurelton Road;
 - f. Decrease of 1 foot on Culver Road, from 35 feet to 34 feet.
3. Appropriate \$154,000 of anticipated reimbursements from Monroe County for their share in project design costs; and
 4. Establish \$220,000 as maximum compensation for an agreement with LaBella Associates, PC, Rochester, for engineering design services. The cost of the agreement will be financed

April 14, 2009

from 2007-08 Cash Capital (\$22,000), 2006-07 Water Cash Capital (\$15,200), 2007-08 Water Cash Capital (\$28,800), and anticipated reimbursements from Monroe County (\$154,000).

This project is part of the County-assisted Arterial Improvement Program. Under the agreement with the County regarding such projects, authorized by City Council in 1981, an engineering plan must be prepared, and approved by Council. As authorized by Ord. No. 2007-386, LaBella Associates has completed that report, which is on file in the Office of the City Clerk.

The plan recommends reconstruction of the pavement; replacement of curbs, sidewalks, driveway aprons and streets lights; new water main; new hydrants and replacement of water services; new pavement markings, signal equipment upgrades; topsoil and seeding; and width changes.

The estimated cost of construction, including inspection and contingencies is \$5,980,000 and identified in the Capital Improvement Program.

LaBella Associates is recommended for design of the project based on the firm's qualifications and familiarity with the project.

Design of the project is scheduled to be completed in the Winter 2009. Construction is expected to begin in Spring 2011, and be completed by Fall 2012.

A public informational meeting was conducted on August 6, 2008. A copy of the minutes of this meeting is attached. The pavement width changes required for the project were presented to the Traffic Control Board on March 17, 2009.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-44

Ordinance No. 2009-118
(Int. No. 123)

Approving The Culver Road Improvement Project And Changes In
Pavement Width Of Culver Road

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the engineering planning report for the Culver Road Improvement Project (Atlantic Avenue to Garson Avenue and Laurelton Road to Clifford Avenue).

Section 2. The Council hereby approves the following changes in the pavement width of Culver Road as a part of the Culver Road Improvement Project:

1. Pavement width changes on Culver Road from East Main Street to Garson Avenue:
 - a. Decrease of 6 feet from 40 feet to 34 feet, from 110 feet south to 60 feet north of Macbeth Street;
 - b. Decrease of 6 feet from 40 feet to 34 feet, from 120 feet south to 70 feet south of Cedarwood Terrace;

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- c. Decrease of 6 feet from 34 feet to 28 feet, from 70 feet south to 90 feet north of Cedarwood Terrace;
 - d. Transitional increase of 12 feet from 28 feet to 40 feet, from 90 feet north of Cedarwood Terrace to 100 feet south of Garson Avenue.
2. Pavement width changes on Culver Road from Laurelton Road to Clifford Avenue:
- a. Transitional decrease of 7 feet from 35 feet to 28 feet, from west Laurelton Road to east Laurelton Road;
 - b. Decrease of 1 foot on Culver Road, from 35 feet to 34 feet.

Section 3. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-119
(Int. No. 124)

Establishing Maximum Compensation For A Professional Services
Agreement For Design Of The Culver Road Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$220,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for engineering design services for the Culver Road Improvement Project (Atlantic Avenue to Garson Avenue and Laurelton Road to Clifford Avenue). The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$22,000 shall be funded from the 2007-08 Cash Capital allocation, \$15,200 shall be funded from the 2006-07 Cash Capital allocation (Water Fund), \$28,800 shall be funded from the 2007-08 Cash Capital allocation (Water Fund) and \$154,000 is hereby appropriated from anticipated reimbursements from the County of Monroe.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-120 and
Ordinance No. 2009-121
Re: Mt. Hope Avenue and South Clinton
Avenue Enhancement Project

Transmitted herewith for your approval is legislation establishing \$154,000 as maximum compensation for an agreement with FRA Engineering, PC for Resident Project Representation services related to the Mt. Hope Avenue and South Clinton Avenue Enhancement Project, and authorizing geometric changes for the project. The cost of the agreement will be funded from federal American Recovery and Reinvestment Act stimulus transportation funds, as authorized in Ordinance No. 2009-73.

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City Council authorized FRA Engineering, PC to perform the planning and preliminary engineering and design for the project in December 2006. The project features include enhanced crosswalks and curbed bump-outs throughout the corridor. The lighting system will be upgraded with more decorative fixtures. The Goodman Street/South Clinton intersection pavement will consist of a different material, either concrete or a thermoplastic material, stamped into the asphalt.

The pavement width changes, described on the attached list, are required for the intersection bumpouts. The curbed bumpouts act as a traffic calming device, and helps with pedestrian crossings. The island installation is for the easterly approach of Alexander Street to South Clinton Avenue. Current factors have resulted in vehicles occasionally crossing the intersection, striking the building at the southwest corner. The island is intended to mitigate this by serving as a visual cue and channeling any errant vehicles.

FRA Engineering, PC is recommended for RPR services based on their qualifications and familiarity with the project.

A public informational meeting for Mt. Hope Avenue was held March 2, 2009 and a public informational meeting for South Clinton Avenue was held November 6, 2008. Copies of the meeting minutes are attached. The pavement width changes will be presented for endorsement at the April 7, 2009 Traffic Control Board meeting.

Public hearings on the pavement width changes are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-45

Ordinance No. 2009-120
(Int. No. 136)

Establishing Maximum Compensation For A Professional Services
Agreement For The Mt. Hope Avenue and South Clinton Avenue
Enhancement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$154,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering, P.C. for resident project representation services for the Mt. Hope Avenue and South Clinton Avenue Enhancement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from the appropriation made in Section 12 of Ordinance No. 2009-73.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-121
(Int. No. 137)

Approving Changes In The Pavement Width Of Mt. Hope Avenue
And South Clinton Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

April 14, 2009

Section 1. The Council hereby approves the following changes in the pavement width of Mt. Hope Avenue as a part of the Mt. Hope Avenue and South Clinton Avenue Enhancement Project:

- a. Hickory Street Intersection, on the eastside: A decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at a point 57 feet north of the center of Hickory Street to Hickory Street;
- b. Averill Avenue Intersection, both west and eastside: A decrease of 16 feet, 8 feet on each side, from the existing 44 foot width to a 28 foot width, beginning at a point 60 feet south of the center of Averill Avenue to Averill Avenue, and from Averill Avenue to a point 74 feet north of Averill Avenue;
- c. Hamilton Street Intersection, on the eastside: A decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at a point 110 feet south of the center of Hamilton Street to a point 70 feet north of Hamilton Street;
- d. Alexander Street Intersection, both west and eastside: On the eastside, a decrease of 8 feet, beginning at a point 58 feet south of the center of Alexander Street to a point 70 feet north of the center of Alexander Street. On the westside, a constant taper, from 0 feet to 8 feet, beginning at a point 70 feet north of the center of Alexander Street to a point 233 feet south of the center of Alexander Street. The combination of these changes narrows the pavement a variable 8 feet to 10 feet, from the existing 44 foot width to a variable 36 to 34 foot width, 70 feet north of the centerline of Alexander Street to a point 58 feet south of Alexander Street, and a variable 2 feet to 8 feet from the existing 44 foot width to a variable 42 to 36 foot width from 58 feet south of the centerline of Alexander Street to a point 233 feet south of the centerline of Alexander Street;
- e. Comfort Street Intersection, on the eastside: A decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at a point 100 feet south of the center of Comfort Street to a point 77 feet north of Comfort Street.

Section 2. The Council hereby approves the following changes in the pavement width of South Clinton Avenue as a part of the Mt. Hope Avenue and South Clinton Avenue Enhancement Project:

- a. Byron Street Intersection, on the westside: A decrease of 6 feet, from the existing 40 foot width to a 34 foot width, beginning at Byron Street to a point 82 feet south of the center of Byron Street;
- b. Comfort Street Intersection, both west and eastside: a decrease of 12 feet, 6 feet on each side, from the existing 40 foot width to a 28 foot width, beginning at a point 52 feet south of the center of Comfort Street to a point 58 feet north of the center of Comfort Street, and a decrease of 6 feet on the westside, from the existing 40 foot width to a 34 foot width, beginning at a point 58 feet north of the center of Comfort Street to a point 233 feet north of the center of Comfort Street;
- c. Alexander Street Intersection, both west and eastside: A decrease of 11 feet, 6 feet on the east side and 5 feet on the west side, from the existing 40 foot width to a 29 foot width, beginning on the eastside at a point 91 feet south of the center of Alexander Street to a point 70 feet north of the center of Alexander Street, and beginning on the westside at a point 74 feet south of the center of Alexander Street to a point 86 feet north of the center of Alexander Street;

An additional change at the Alexander Street intersection also includes an island on Alexander Street, starting at a point 86 feet east of the centerline of South Clinton Avenue to a point 146 feet east of the centerline of South Clinton Avenue. The island will be located 23 feet south of the north curbline of Alexander Street;

April 14, 2009

An additional change to the Alexander street intersection is the removal of a tapered 3 foot widening along the eastern approach on Alexander Street at South Clinton Avenue. The removal of this widening begins at a point 172 feet west of the centerline of south Clinton Avenue to South Clinton Avenue. The pavement in this area will decrease from its existing 39 feet to 36 feet;

- d. Hamilton Street Intersection, on the westside: a decrease of 6 feet, from the existing 40 foot width to a 34 foot width, beginning at 52 feet south of the center of Hamilton Street to a point 111 feet north of the center of Hamilton Street;
- e. Averill Avenue Intersection, both west and eastside: a decrease of 12 feet, 6 feet on each side, from the existing 40 foot width to a 28 foot width. On the westside, beginning at a point 65 feet south of the center of Averill Avenue to a point 65 feet north of the center of Averill Avenue, and on the eastside, beginning at a point 72 feet south of the center of Averill Avenue to a point 88 feet north of the center of Averill Avenue;
- f. Gregory Street Intersection, on the westside: a decrease of 6 feet, from the existing 40 foot width to a 34 foot width, beginning at 63 feet south of the center of Gregory Street to a point 74 feet north of the center of Gregory Street;
- g. Karges Place Intersection, on the eastside: A decrease of 6 feet, from the existing 40 foot width to a 34 foot width, beginning at 47 feet south of the center of Karges Place to a point 47 feet north of the center of Karges Place.

Section 3. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
April 14, 2009

To the Council:

The Economic Development & The Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 125 - Amending Ordinance No. 2008-310, Relating To The Sale Of Real Estate In The Rochester Science Park

Int. No. 132 - Authorizing An Agreement For Parking In The High Falls Garage

Int. No. 141 - Establishing Maximum Compensation For Professional Services Agreements For The North Winton Road And Portland Avenue And Norton Street Commercial Areas And Amending Ordinance No. 2008-192, As Amended

The Economic Development & The Environment Committee recommends for Consideration the following entitled legislation:

Int. No. 126 - Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District

April 14, 2009

Respectfully submitted,
Dana K. Miller
John F. Lightfoot
Elaine M. Spaul
Gladys Santiago
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-122
Re: Sale of 250 Science Parkway

Transmitted herewith for your approval is legislation authorizing a land mortgage to Parkway Real Estate, LLC (d.b.a. Columbia Analytical Services, LLC) for the purchase of land at 250 Science Parkway; and amending Ordinance 2008-310 to change the purchaser's name.

Ordinance No. 2008-310 authorized the sale of 220 and 250 Science Parkway to CAS Real Estate, Inc., (d.b.a. Columbia Analytical Services, LLC). Since then, the City has combined the parcels into one with the address of 250 Science Parkway, and CAS Real Estate has changed its name to Parkway Real Estate, LLC.

The amount of the land mortgage will be the price of the land, with interest at the City's borrowing rate at the time of closing for a ten-year term. Real estate appraisers Pogel, Schubmehl & Ferrara, LLC provided an appraised value of \$60,000 per acre on September 26, 2007. The total sale price for the land is approximately \$224,400.

The City loan will be subordinate to a building construction loan in the approximate amount of \$2.8 million.

The mortgage will assist Parkway Real Estate in purchasing the property for the construction of an approximately 20,410 square foot building on 250 Science Parkway. Construction is expected to begin in the Summer/Fall of 2009. In the future, the building may be expanded to approximately 32,685 square feet to accommodate potential growth. Total project investment in the city has increased to approximately \$4.2 million. Parkway currently employs 52 individuals. The number of employees is anticipated to grow to as many as 75 within five years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-122
(Int. No. 125)

Amending Ordinance No. 2008-310, Relating To The Sale Of Real
Estate In The Rochester Science Park

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2008-310, relating to the sale of 220 and 250 Science Parkway in the Rochester Science Park to CAS Real Estate, Inc. is hereby amended by changing the name of the purchaser to Parkway Real Estate, LLC and the address to 250 Science Parkway, the new address for the combined parcel. The Council hereby further authorizes the Mayor to enter into a land mortgage with the purchaser for the purchase price of \$224,400, with interest set at the City's borrowing rate at the time of closing, for a

April 14, 2009

term of ten years. The mortgage may be subordinate to a loan for the construction of a building on the parcel.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Ordinance No. 2009-123
Parking Agreement - Stantec
Consulting Services, High
Falls Garage

Transmitted herewith for your approval is legislation establishing a ten year parking agreement with Stantec Consulting Services, Inc. for use of the High Falls Garage. Execution of this agreement is contingent on requisite funding to re-develop 61 Commercial Street as the future corporate headquarters for Stantec.

This agreement will provide Stantec 148 regular and 10 reserved parking spaces for the use of their employees. Stantec will be charged the garage's prevailing monthly rate.

This agreement is for a term of 10 years and two months from commencement and will include two five-year renewal options.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-123
(Int. No. 132)

Authorizing An Agreement For Parking In The High Falls Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Stantec Consulting Services, Inc. for parking spaces in the High Falls Garage. Stantec shall be able to purchase up to 148 regular and 10 reserved spaces in the Garage each month at the prevailing monthly rate, for use by Stantec employees. The agreement shall extend for a term of 10 years and two months, with Stantec having two five-year renewal options at the prevailing monthly parking rate. The agreement shall be contingent upon Stantec obtaining funding to redevelop 61 Commercial Street for use as its corporate headquarters.

Section 2. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

April 14, 2009

Ordinance No. 2009-124
Re: Agreement - Ingalls Planning
And Design, Comprehensive
Revitalization Plans

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for agreements with Ingalls Planning and Design (IPD) for the preparation of Comprehensive Revitalization Plans for the Winton Road commercial area and for the Portland and Norton Street commercial area.

Funding for these agreements will come from the 2008-09 Budgets of the Department of Community Development (\$5,000) and the Economic Development Department (\$10,000).

The City's Economic Development Department uses a four-step process in its neighborhood commercial planning efforts. Ingalls Planning & Design (IPD) will work with a steering committee of City staff and community stakeholders in these two commercial areas to complete the process. Specifically, IPD will:

- Review previously prepared visioning materials, including previously prepared plans and reports, and prepare a summary report.
- Meet with EDD and the steering committee to review and discuss the economic opportunities and challenges that face the community, based on an economic analysis prepared for the areas by EDD staff.
- Work with EDD and the steering committee to develop a community design plan for each area.
- Using the information from the steps 1-3, assist EDD and the neighborhood associations to define clear recommendations and action items.
- Produce a summary document, *Revitalization Plan*, for each area and present it to the community stakeholders.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-46

Ordinance No. 2009-124
(Int. No. 141, As Amended)

Establishing Maximum Compensation For Professional Services
Agreements For The North Winton Road And Portland Avenue And
Norton Street Commercial Areas And Amending Ordinance No.
2008-192

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$5,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Ingalls Planning & Design for planning services for the revitalization of the North Winton Road Commercial Area. Said amount shall be funded from the 2008-09 Budget of the Department of Community Development.

Section 2. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Ingalls Planning & Design for planning services for the revitalization of the Portland Avenue and Norton Street Commercial Area. Said amount shall be funded from the 2008-09 Budget of the Department of Economic Development.

April 14, 2009

Section 3. Ordinance No. 2008-192, relating to a planning charette for the Bull's Head neighborhood, is hereby amended by changing the name of the consultant from the Rochester Regional Design Center to Clark Patterson Lee.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Re: Local Improvement Ordinance No. 1602
High Falls Business Improvement
District (BID)

Transmitted herewith for your approval is legislation approving the 2009-10 levy of \$25,000 for the High Falls Business Improvement District and continuing to apportion the costs among the properties within the district as was originally approved in the 2004-05 Budget.

By law, New York State municipalities are allowed to create Business Improvement Districts to impose an assessment on property owners for additional services.

The High Falls District Plan, adopted by Council in January 2004, outlines a description of the BID boundaries, the assessment formula used to determine each building owner share, and the \$25,000 budget to be used for additional clean-up, beautification, landscaping, marketing, advertising, and promotional materials.

The District Plan is on file in the City Clerk's Office.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-47

Local Improvement Ordinance No. 1602
(Int. No. 126)

Local Improvement Ordinance - Establishing The Cost Of The
Assessments Related To The High Falls Business Improvement
District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The budget for the 2009-10 fiscal year for the High Falls Business Improvement District is established at \$25,000, which amount shall be assessed and levied in accordance with Local Law No. 1 of 2004.

Section 2. This ordinance shall take effect on July 1, 2009.

Passed unanimously.

April 14, 2009

By Councilmember McFadden
April 14, 2009

To the Council:

The Public Safety & Recreation Committee recommends for Adoption the following entitled legislation:

Int. No. 127 - Authorizing A Grant Agreement And Amending The 2008-09 Budget For The Northeast Bridges To Wellness Project

Int. No. 128 - Authorizing A Grant Agreement And Amending The 2008-09 Budget For Sports And Fitness Programs

Int. No. 129 - Authorizing An Agreement For Funding For The STOP DWI Program

Int. No. 131 - Authorizing An Application And Agreements For A Justice Assistance Local Formula Grant

Int. No. 134 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Parks And Recreation Center Improvements

Int. No. 148 - Authorizing Amendatory Agreements For The Adolescent Pregnancy Prevention Services Program And Amending The 2008-09 Budget

Int. No. 149 - Establishing Maximum Compensation For An Agreement For The 175 Rochester MusicFest

The following entitled legislation is being Held in committee:

Int. No. 130 - Authorizing An Application And Agreement For Graffiti Sensors And Amending The 2008-09 Budget

Respectfully submitted,
Dana K. Miller
Elaine M. Spaul
Gladys Santiago
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-125
Re: Agreement - Anthony L. Jordan
Health Center, Youth Voice, One
Vision

Transmitted herewith for your approval is legislation authorizing an agreement with the Anthony L. Jordan Health Center for the receipt and use of a \$13,418.75 grant, and amending the 2008-09 Budget of the Department of Recreation and Youth Services by \$13,500 to reflect this grant.

April 14, 2009

The Jordan Health Center is initiating a new program called Northeast Bridges to Wellness. The grant will be used to enlist members of the City's Youth Voice, One Vision (YVOV) program to enhance resident involvement in community planning for health issues.

YVOV youth leaders will facilitate workshops on community awareness initiatives, youth/adult partnerships, Developmental Assets, and the *Steppin' Up To Solutions* project development process for resident leaders of the Health Center's Northeast Bridges to Wellness project. YVOV will also coordinate two community celebration events and all wrap-up for the resident leaders.

Currently, YVOV has twelve youth officers and an estimated eighty active youth members, ranging in age from 10 to 18. Participants develop their own goals and strategies, conduct meetings, elect officers, meet with community leaders and carry out service learning projects. YVOV members often participate as "youth experts" on local panels and frequently participate in forums and events sponsored by partner agencies. Additional information on the program is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-48

Ordinance No. 2009-125
(Int. No. 127)

Authorizing A Grant Agreement And Amending The 2008-09
Budget For The Northeast Bridges To Wellness Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Anthony L. Jordan Health Center for funding for Youth Voice, One Vision as part of the Northeast Bridges to Wellness Project.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$13,500, which amount is hereby appropriated from funds received through the grant agreement authorized herein.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-126
Re: Agreement - Greater Rochester
Health Foundation

Transmitted herewith for your approval is legislation authorizing an agreement with the Greater Rochester Health Foundation for the receipt and use of a \$10,000 grant, and amending the 2008-09 Budget of the Department of Recreation and Youth Services to reflect this grant.

April 14, 2009

The award of this grant was anticipated and is being used, in part, to reimburse costs incurred for supplies, equipment, and transportation for Summer 2008 programs. A portion of the funds will support Summer 2009 programming, including lacrosse and fitness at the South Avenue Recreation center, golf at Ravenwood, and kayaking at Genesee Waterways. Additional program information is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-49

Ordinance No. 2009-126
(Int. No. 128)

Authorizing A Grant Agreement And Amending The 2008-09
Budget For Sports And Fitness Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Greater Rochester Health Foundation for funding for summer sports and fitness programs.

Section 2. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$10,000, which amount is hereby appropriated from funds received through the grant agreement authorized herein.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-127
Re: Agreement - Monroe County,
Stop DWI

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of funds related to the 2009 Stop DWI Program. These are New York State Stop DWI funds administered by Monroe County. The award to the City for January 1 through December 31, 2009 is \$94,926.21.

These funds will be used for enhanced detection and enforcement of DWI offenses. No matching funds are required. The agreement was authorized by the Monroe County Legislature on February 3, 2009. As the renewal of funding was anticipated, the funds were included in the 2008-09 Budget of the Police Department.

These funds primarily reimburse expenses for overtime traffic enforcement patrols and a portion (\$9,000) is designated specifically for enforcement against underage alcohol sales. The agreement for the last round of funding of \$91,322.52 for calendar year 2008 was authorized by Ord. No. 2008-127 in June 2008. During 2008, the Rochester Police Department made 664 DWI arrests.

April 14, 2009

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-127
(Int. No. 129)

Authorizing An Agreement For Funding For The STOP DWI
Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding under the 2009 STOP DWI Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-128
Re: Agreement - US Department of
Justice, Recovery Justice Assistance
Local Formula Grant

Transmitted herewith for your approval is legislation related to a recent award resulting from the American Recovery and Reinvestment Act; this formula grant is new funding as part of the federal stimulus package and covers the period October 1, 2009 through September 30, 2013. This legislation will:

1. Authorize an agreement with the United States Department of Justice (USDOJ) for the application for, and receipt and use of a \$1,573,108 grant through the Recovery Justice Assistance Local Formula Grant (RJAG) program; and
2. Authorize agreements with the County of Monroe, and the Police Departments of the Towns of Gates, Greece, Brighton, Irondequoit and Webster for the distribution and use of funds under this program.

As administrator for the grant, the RPD is allowed 10%, or \$157,311, to cover administrative costs. The remaining funds will be allocated, through negotiated Memoranda of Understanding, to the County and the six participating towns for police programs. There is no match requirement for this grant.

As specified by the grant guidelines, eligible programs can be in the following areas: law enforcement, prosecutions and courts, prevention and education, corrections and community corrections, drug treatment/enforcement, planning, evaluation and technology improvement, and crime witness and victim assistance.

Legislative approval, community input, determination of specific allotments and uses of the funds, development of the MOU's with the partner agencies, and submission of the completed grant application to the USDOJ all must occur by May 18, 2009.

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Once the City's total allocation is determined, a budget amendment will be submitted for Council approval.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-128
(Int. No.131)

Authorizing An Application And Agreements For A Justice
Assistance Local Formula Grant

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the United States Department of Justice for funding under the Justice Assistance Local Formula Grant Program for October 1, 2009 through September 30, 2013.

Section 2. The Mayor is hereby further authorized to enter into agreements with the County of Monroe, and the Towns of Gates, Greece, Brighton, Irondequoit and Webster for sharing of the funding for police programs under the Justice Assistance Local Formula Grant Program. The amount of the funds shared with each Town shall depend upon the Federal allotment.

Section 3. There is hereby appropriated from Justice Assistance Local Formula Grant Program Funds the sum of \$1,573,108, or so much thereof as may be received under the Grant, to fund the Justice Assistance Local Formula Grant Program.

Section 4. The application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-129
Re: Amendatory Agreement - LaBella
Associates, Resident Project
Representation Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LaBella Associates for Resident Project Representation Services for Park and Recreation Center Improvements. The original agreement, authorized in August 2006, established maximum compensation at \$60,000; amendatory agreements authorized in April 2007 and March 2008 added \$50,000 and \$60,000 respectively.

The current request is for an additional amount of \$45,000, which will bring total maximum compensation to \$215,000 for these services over a period of August 2006 through June 2010. The additional cost will be financed from the proceeds of Bond Ordinance 2008-09.

The additional funds will be used for Resident Project Representation services for 2009 construction projects, which include:

1. Avenue D Recreation Center Courts

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2. South Avenue Community Center Court
3. City-Wide Rehabilitation and Court Seal Coating Activity

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-129
(Int. No. 134)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For Parks And Recreation Center
Improvements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$45,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and LaBella Associates, P.C. for resident project representation services related to parks and recreation center improvements. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the projects for which the services were provided. Said amount shall be funded from Bond Ordinance No. 2008-109.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-130
Re: Amendatory Agreements - Adolescent
Pregnancy Prevention Services
Program

Transmitted herewith for your approval is legislation related to funding for the Adolescent Pregnancy Prevention Services (APPS) Program. This legislation will:

1. Authorize an agreement with the New York State Department of Health for the receipt and use of \$30,267 in additional funding for the APPS Program;
2. Amend the 2008-09 Budget of the Department of Recreation and Youth Services by \$11,600 to include a portion of these funds;
3. Authorize amendatory agreements with four of the service providers to increase their maximum compensation as summarized below:

<u>Agency</u>	<u>Increase</u>
Charles Settlement House	\$2,500
S.P.C.C.	\$5,000
YWCA	\$5,000
Baden Street	\$5,000

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These agreements were initially authorized in March 2008; in November, New York State rescinded 6% of the authorized amount for APPS awards. The City was notified on March 25, 2009 that the Department of Health has authorized a cost of living adjustment (COLA) for the City's APPS Program, based upon a Congressional Budget Office calculation for state fiscal year 2008-09, resulting in an additional \$30,267.

This unanticipated revenue will restore some of what had been cut in November; the remainder will support staff and youth service projects. The table below summarizes the funding history for the program:

	<u>Initially Authorized</u>	<u>Nov. 2008 Cut Back</u>	<u>NYS COLA March 2009</u>	<u>Final Amount</u>	<u>Net Change</u>
Charles Settlement					
House	\$ 50,133	\$ 1,161	\$ 2,500	\$ 51,472	\$ 1,339
P.R.Y.D.	21,267	5,000	0	16,267	(5,000)
Junior Achievement	3,400	0	0	3,400	0
S.P.C.C.	95,000	13,000	5,000	87,000	(8,000)
YWCA	70,000	1,161	5,000	73,839	3,839
Baden Street	50,000	1,161	5,000	53,839	3,839
2008-09					
Budget/DRYS	<u>87,596</u>	<u>1,161</u>	<u>12,767</u>	<u>99,202</u>	<u>11,606</u>
Total	\$377,396	\$22,644	\$30,267	\$385,019	\$ 7,623

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-130
(Int. No. 148)

Authorizing Amendatory Agreements For The Adolescent
Pregnancy Prevention Services Program And Amending The 2008-
09 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the New York State Office of Children and Family Services for the receipt and use of funding for the operation of the Adolescent Pregnancy Prevention Services Grant Program.

Section 2. The Mayor is hereby authorized to enter into amendatory agreements with the following organizations in amounts not to exceed the following for services under the New York State Adolescent Pregnancy Prevention Services Grant Program:

<u>Organization</u>	<u>Amount</u>
Charles Settlement House, Inc.	\$2,500
Society for the Protection & Care of Children (TAPSS)	\$5,000
Baden Street/Metro Council for Teen Potential	\$5,000
YWCA of Rochester & Monroe County	\$5,000

In the event that all funds for a specific agreement are not expended, the Mayor is authorized to enter into amendatory agreements with the above organizations to use the unexpended funds.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$17,500, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the New York State Office of Children and Family Services.

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Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$11,600, which amount is hereby appropriated from funds received through the grant agreement authorized herein.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-131

Re: Agreement - NSUC Entertainment,
LLC, Rochester MusicFest

Transmitted herewith for your approval is legislation establishing \$250,000 as maximum compensation for an agreement with NSUC Entertainment, LLC (principal: Edward Strickland), 497 Chili Avenue, Rochester, NY, for booking national and regional artists and production for the 2009 Rochester MusicFest. The cost of this agreement will be financed from the 2008-09 (\$175,000) and 2009-10 (\$75,000) Budgets of the Bureau of Communications.

The festival this year will be known as the 175 Rochester MusicFest, and will be a featured summer event in recognition of the City's 175th Anniversary year-long celebration. The 175 Rochester MusicFest will be a free, ticketed event held on Saturday July 18, 2009 at Brown Square Park.

NSUC Entertainment, LLC will provide talent booking, logistical management, marketing, sponsorship solicitation, ticket distribution, vendor management and administration. The City will provide some in-kind services such as fencing and police services external to the festival site.

A request for proposals for a two-day festival was issued in November 2008 directly to event promoters in the Rochester area, and to promoters the City has worked with during the past four years. The RFP was also posted on the City's website. Responses were received from: Rochester Broadway Theatre League, Rochester International Jazz Festival, LLC, and The Springut Group, all Rochester firms, and from Lead Dog Marketing Group of NYC. An interdepartmental review committee evaluated proposals using the following criteria: relevant experience, references, cost, and key principals' commitment to the project.

Based on evaluations and cost for a two-day event, a subsequent appeal was made to the same promoters which requested proposals for a free single-day event with \$250,000 maximum compensation and with the proviso of actively seeking sponsorships. NSUC Entertainment had expressed interest in the revised request and submitted a proposal at that time. Others who expressed interest included the Rochester International Jazz Festival, LLC, and Lead Dog Marketing Group.

The Rochester International Jazz Festival, LLC, subsequently withdrew due to the workload for the upcoming Jazz Festival. After an administrative review of the proposals, NSUC Entertainment was selected based on the caliber of proposed entertainment and marketing plan in the Rochester community. NSUC Entertainment principal, Ed Strickland, has successfully promoted entertainment in the Rochester area for more than 20 years.

Respectfully submitted,
Robert J. Duffy
Mayor

April 14, 2009

Ordinance No. 2009-131
(Int. No. 149)

Establishing Maximum Compensation For An Agreement For The
175 Rochester MusicFest

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$250,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and NSUC Entertainment, LLC for talent booking, logistical management, marketing, sponsorship solicitation, ticket distribution, vendor management and administration for the 175 Rochester MusicFest. Of said amount, \$175,000 shall be funded from the 2008-09 Budget of the Bureau of Communications, and \$75,000 shall be funded from the 2009-10 Budget of the Bureau of Communications, contingent upon adoption of said budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 130 from committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following votes:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-132
Re: Agreement - Byrne Grant,
Graffiti Sensors

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the receipt and use of a \$25,000 grant under the Edward Byrne Memorial Justice Assistance Grant program, and amending the 2008-09 Budget of the Police Department by \$25,000 to reflect the grant. The grant term is from January 1, 2009 through June 30, 2010.

Grant funds will be used to purchase, install, and operate twenty graffiti sensors. These sound sensors will be placed in areas often defaced by graffiti. The devices are programmed to detect the sound signature of spray paint and alert police when that sound registers. This is a new grant and no local match is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-132
(Int. No. 130)

April 14, 2009
Authorizing An Application And Agreement For Graffiti Sensors
And Amending The 2008-09 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding under the Edward Byrne Memorial Justice Assistance Grant Program for graffiti sensors.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$25,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, Miller, Palumbo, Pritchard, Spaul - 7.

Nays - Councilmember McFadden, Warren - 2.

The meeting was adjourned at 8:35 P.M.

DANIEL B. KARIN
City Clerk